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Federal Register

Wednesday
February 26, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, St. Louis, MO, Denver, CO, and Dallas, TX, see announcement on the inside cover of this issue.

Selected Subjects

Administrative Practice and Procedure
Merit Systems Protection Board

Air Pollution Control
Environmental Protection Agency

Animal Diseases
Animal and Plant Health Inspection Service

Government Procurement
Defense Department

Health and Safety Standards
Occupational Safety and Health Administration

Loan Programs—Housing and Community Development
Farmers Home Administration

Meat Inspection
Food Safety and Inspection Service

Medicare
Health Care Financing Administration

Medical Devices
Food and Drug Administration

Milk Marketing Orders
Agricultural Marketing Service

Natural Gas
Federal Energy Regulatory Commission

Pesticides and Pests
Environmental Protection Agency

CONTINUED INSIDE

Selected Subjects

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How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

Radio Broadcasting
Federal Communications Commission

Reporting and Recordkeeping Requirements
Federal Maritime Commission

Space Transportation and Exploration
Transportation Department

Surface Mining
Surface Mining Reclamation and Enforcement Office

Trade Practices
Federal Trade Commission

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ST. LOUIS, MO

WHEN: March 11; 9 am.

WHERE: Room 1612, Federal Building, 1520 Market Street, St. Louis, MO.

CALL: Dolores O'Guin, St. Louis Federal Information Center, 314-425-4109, for reservations.

WASHINGTON, DC

WHEN: March 20; 9 am and 1 pm. (identical sessions)

WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW, Washington, DC

CALL: Ruth Reedy, 202-523-5239, for reservations.

DENVER, CO

WHEN: March 24; 9 am.

WHERE: Room 239, Federal Building, 1961 Stout Street, Denver, CO.

CALL: Elizabeth Stout, Denver Federal Information Center, 303-236-7181, for reservations.

DALLAS, TX

WHEN: April 23; 1:30 pm.

WHERE: Room 7A23, Earl Cabell Federal Building, 1100 Commerce St Dallas, TX.

CALL: **local numbers:**

Ft. Worth	817-334-3624
Dallas	214-767-8585
Houston	713-229-2552
Austin	512-472-5494
San Antonio	512-224-4471

for reservations.

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Presidential Documents

Title 3—

The President

Proclamation 5443 of February 24, 1986

National Black (Afro-American) History Month, 1986

By the President of the United States of America

A Proclamation

Black history is a book rich with the American experience but with many pages yet unexplored. A chapter once beautiful and tragic was brilliantly illuminated this very year with the first celebration of the birthday of Dr. Martin Luther King, Jr., as a national holiday. This new holiday symbolizes the trail he blazed for others and the struggle of many Americans for full and unfettered recognition of the constitutional rights of all Americans, regardless of race or color.

Black history in the United States has been a proving ground for America's ideals. A great test of these ideals came with the Civil War and the elimination of slavery. Another test came a century later, in the struggle for practical recognition of the rights already won in principle—the abolition of legalized segregation and second-class citizenship.

The foremost purpose of Black History Month is to make all Americans aware of this struggle for freedom and equal opportunity. It is also a time to celebrate the many achievements of blacks in every field, from science and the arts to politics and religion. It not only offers black Americans an occasion to explore their heritage, but it also offers all Americans an occasion and opportunity to gain a fuller perspective of the contributions of black Americans to our Nation. The American experience and character can never be fully grasped until the knowledge of black history assumes its rightful place in our schools and our scholarship.

The Congress, by Senate Joint Resolution 74, has designated the month of February 1986 as "National Black (Afro-American) History Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim February 1986 as National Black (Afro-American) History Month. I invite the Governors of the several States, and our schools, colleges, universities, and libraries, the stewards of our national consciousness, and all Americans to observe this month with appropriate activities to heighten awareness of black history and to stimulate continuing inquiry into this rich vein of the American experience.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of February, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-4324
Filed 2-25-86; 10:57 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5444 of February 24, 1986

Hugo Lafayette Black Day, 1986

By the President of the United States of America

A Proclamation

February 27, 1986 marks the one hundredth anniversary of the birth of Hugo Lafayette Black, one of the most respected and influential Justices to serve on the Supreme Court in this century.

Hugo Black's tenure on the Supreme Court lasted for 34 years, from 1937 to 1971, from the days in which America was struggling to free itself from the effects of the Depression, through World War II and its aftermath, and through the turbulent decade of the 1960s. At the time of his appointment to the Court, Hugo Black was serving as a Senator from Alabama.

Justice Black was a strong believer in a written Constitution, as an instrument to assure control of the government by the people, by virtue of restraints specifically embodied in the document to limit governmental power and protect minorities of whatever race, creed, or ideological persuasion. He once called the Constitution his "legal bible." He cherished every word of it, he said, because it is our surest guarantee that this Nation will endure "strong and great through countless ages."

Throughout his tenure, Justice Black fought to maintain the vital principle of separation of powers. He strongly resisted what he regarded as unauthorized efforts of judges to supersede the judgment of the elected representatives of the people and to substitute their own views of appropriate social and economic policy.

This proud Son of the South played a leading role in the Supreme Court's effort to eliminate racial segregation from our society and ensure equal rights for all persons.

Justice Black's long and distinguished career also was marked by his commitment to the Bill of Rights, including most notably a strong belief in freedom of speech, and the importance of a free press to the governance of a democracy. He also was a strong believer in unhindered access to the political process for all persons and to the core procedural protections afforded by the Constitution.

Hugo Black's formal accomplishments as Senator and Justice and his contributions to American jurisprudence cannot overshadow his warmth as a human being, the intimate collegial relationships he developed with colleagues, and remarkable gift for friendship that helped the Supreme Court function effectively through some of the most turbulent episodes in its history.

In order to honor Hugo Lafayette Black as a defender of freedom and dedicated public servant, the Congress of the United States, by Senate Joint Resolution 59, has designated February 27, 1986 as "Hugo Lafayette Black Day" and authorized and requested the President to issue a proclamation in observance of the one hundredth anniversary of his birth.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim February 27, 1986 as Hugo Lafayette Black Day, and I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of February, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-4325
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Rules and Regulations

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MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures; Request for Comments

AGENCY: Merit Systems Protection Board.

ACTION: Interim Rule; Request for comment.

SUMMARY: This rule amends the procedures of the Merit Systems Protection Board with respect to compliance and enforcement. This action clarifies that authority and duty of the Board and explains that the parties have a responsibility to cooperate to assure that compliance is obtained promptly and completely. It also improves the process and shortens the time frame for the settlement and adjudication of disputes among the parties and the enforcement of the final decision by the Board.

DATES: Effective February 26, 1986; comments should be submitted in writing on or before March 28, 1986.

ADDRESS: Comments should be submitted in writing and addressed to Robert E. Taylor, Clerk, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Charles J. Stanislav, (202) 653–8900.

SUPPLEMENTARY INFORMATION: This amendment of 5 CFR Subpart E makes it clear that the parties are expected to cooperate with each other to assure that the Board's final decisions are complied with promptly and in accord with applicable laws, rules, and regulations. Moreover, it recognizes that not all aspects of compliance can reasonably be ascertained and resolved immediately. Finally, it directs the Board's resources and involvement in compliance matters to the issues in dispute and provides an expedited procedure for the adjudication of those issues and ultimately, when necessary, the enforcement of the Board's final decision.

1. Subpart E—Enforcement of Final Order. A new § 1201.181 containing explanatory paragraphs has been added in advance of the procedural sections to clarify the roles of the parties preliminary to invoking enforcement.

2. § 1201.181 Petition for Enforcement has been changed to § 1201.182 and paragraph (a) has been revised to emphasize that a petition should be filed promptly and should contain a statement of the results of any attempt to obtain compliance.

Paragraph (b) has been revised to conform with changes in this subpart.

3. § 1201.182 Compliance; § 1201.183 Referral to the Board; and § 1201.184 Enforcement Action by the Board have been eliminated as separate sections and incorporated in a new § *1201.183 Enforcement Action by the Board* to more clearly describe the enforcement process and to set forth the obligations of the persons involved and to set the time frames required to complete the compliance and/or enforcement process.

Regulatory Flexibility Act

The Chairman, Merit Systems Protection Board, certifies that the Board is not required to prepare an initial or final regulatory analysis of the proposed rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of his determination that this rule would have a significant economic impact on a substantial number of small entities, including small business, small organizational units, and small governmental jurisdictions.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, civil rights, government employees.

Accordingly, the Merit Systems Protection Board amends 5 CFR Part 1201 as follows:

1. Authority for 5 CFR Part 1201 continues to read:

Authority: 5 U.S.C. 1205.

2. Subpart E is revised to read as follows:

Subpart E—Enforcement of Final Order

Sec.
1201.181 Authority and Explanation
1201.182 Petition for Enforcement
1201.183 Enforcement Action by the Board

Subpart E—Enforcement of Final Order

§ 1201.181 Authority and explanation.

(a) Pursuant to 5 U.S.C. 1205(a)(2) the Board has the authority to order any Federal agency or employee to comply with decisions and orders issued under its jurisdiction. The Board also has the authority and duty to enforce compliance with its orders and decisions and will do so when necessary as described in this subpart. The parties are expected to cooperate fully with each other so that compliance with the Board's orders and decisions can be accomplished promptly and in accord with laws, rules, and regulations applicable to the individual case. The Board's decisions and orders shall contain a notice of the Board's enforcement authority.

(b) In order to avoid unnecessary petitions under this subpart, the agency shall promptly communicate with the appellant its actions to comply, and shall advise the appellant when it considers compliance to have been accomplished. The appellant must provide all necessary information requested by the agency in furtherance of compliance and should, from time to time, inquire as to the agency's progress, if not otherwise notified.

§ 1201.182 Petition for enforcement.

(a) *Appellate jurisdiction.* Any party may petition the Board for enforcement of a final decision issued under the Board's appellate jurisdiction. The petition shall be filed promptly with the regional office which issued the initial decision and shall set forth specifically the reasons why the petitioning party believes there is noncompliance. The date and results of any communications with respect to compliance should be stated. Any petition for enforcement filed more than 30 days after the Agency's Notice that compliance has been accomplished shall contain a statement of the reasons for delay and a request for an extension of time to file.

(b) *Original jurisdiction.* Any party seeking enforcement of a Board order issued under its original jurisdiction shall submit a petition for enforcement to the Clerk of the Board. The petition shall set forth specifically the reasons why the petitioning party believes there is noncompliance. The petition will be processed by the Presiding Official

under the procedures set forth in § 1201.183 of this subpart.

§ 1201.183 Enforcement action by the Board.

(a) *Regional Office processing.* (1) When a petition has been filed in a regional office for enforcement of a final appellate decision, the Regional Director or a designated presiding official will promptly issue an enforcement order reminding the agency of its burden of proof and requiring the agency respondent to file within 10 days: evidence of compliance; a statement of actions completed, actions in process, and actions remaining and a reasonable schedule for full compliance; or otherwise show good cause why there was noncompliance or compliance is incomplete. The appellant will have 10 days from the date of service of the agency's reply in which to file a response to the agency submission. The parties are required to serve each other as required under § 1201.26(b)(2).

(2) A hearing may be convened when necessary to resolve matters at issue.

(3) If the agency is found to have been in compliance with the required corrective action or is making a good faith effort and reasonable progress to comply, the Regional Director or presiding official will issue a *Decision* so finding, which will be subject to the procedure for a petition for review by the Board pursuant to § 1201.114, *et seq.*, and for judicial review pursuant to § 1201.118 of this Part.

(4) If the agency is found not in compliance and is not making a good faith effort to comply, the Regional Director or presiding official will issue a *Recommendation* that the Board enforce the final decision. The agency respondent will have 10 days from the date of service of the *Recommendation* in which to file with the Clerk of the Board, proof of the required compliance. If satisfactory compliance evidence is not filed within that 10-day period, the *Recommendation* will be processed in accordance with (b) of this section.

(b) *Referral to the Board.* (1) Where an agency has failed to submit satisfactory evidence of compliance as required by paragraph (a)(4) of this section, the agency respondent must file a brief with the Clerk of the Board within 20 days of the date of service of the *Recommendation* identifying by name, title and grade the agency official responsible for the failure to comply and explaining why it disagrees with the Recommendation. The appellant may file with the Clerk of the Board a brief in response within 15 days of the date of service of the agency's brief. The Board may require the respondent agency official or his/her representative to appear before the Board and/or to respond in writing to show cause why sanctions pursuant to 5 U.S.C. 1205 (a)(2) and (d)(2) should not be imposed against the person responsible for the agency's failure to comply.

(2) The Board may hold a hearing on an order to show cause, or it may issue a decision without a hearing.

(c) *Certification to the Comptroller General.* Where appropriate, the Board may, under 5 U.S.C. § 1205(d)(2), certify to the Comptroller General of the United States that no payment shall be made to any Federal employee found to be in noncompliance with the Board's order, other than a Presidential appointee subject to confirmation by the Senate.

(d) *Effect of Special Counsel's action or failure to act.* No proceeding under this subpart shall be precluded because the Special Counsel did not file a complaint under 5 U.S.C. 1206(g)(1)(B) and Subpart D of this part.

Dated: February 18, 1986.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 86-4187 Filed 2-25-86; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1106

Milk in the Southwest Plains Marketing Area; Temporary Revision of a Provision of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of a rule.

SUMMARY: This action extends the application of a lower pooling standard for plants operated by a cooperative association under the Southwest Plains milk order. It is based on the record of a public hearing held in Tulsa, Oklahoma, on November 6, 1985. At the hearing, a cooperative association asked that the lower 40-percent delivery standard, which has been revised downward by 10 percentage points since May 1985, continue to apply for pool plants operated by a cooperative association until the hearing proceeding is concluded. A proposal to lower the minimum delivery standard was considered at the November 6 hearing. An extension of the lower pooling requirements for plants operated by a cooperative is warranted on an interim basis to enable the cooperative to continue the orderly disposition of the reserve milk supplies now associated with the market while the hearing proposals are evaluated on the basis of the record evidence and the proceeding advances toward completion.

EFFECTIVE DATE: February 26, 1986.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Hearing: Issued September 20, 1985; published September 26, 1985 (50 FR 39017).

The Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1106.7(d) of the Southwest Plains milk order.

It is hereby found and determined that the current temporary revision, which expires at the end of February, should be extended beginning for the month of March 1986 and continuing until the hearing proceeding on proposed amendments to the order has been completed. A proposal to reduce the delivery percentage that a cooperative must meet to qualify its plants was considered at a public hearing held on November 6, 1985, at Tulsa, Oklahoma. Interested parties had an opportunity to testify about the proposal and no opposition testimony was presented at the hearing.

Statement of Consideraton

This action is based on the record of a public hearing held on November 6, 1985, at Tulsa, Oklahoma, to consider several proposed amendments to the Southwest Plains order. This action continues the effect of a prior temporary revision and applies a lower delivery percentage for plants operated by a cooperative association. Under the continuing action, the percentage of milk marketed by a cooperative association that must be delivered to and physically received at pool distributing plants during the month would be reduced by 10 percentage points, from 50 to 40 percent, for pool plants operated by a cooperative association. Section

1106.7(d) of the order provides that the Director of the Dairy Division may increase or decrease the delivery percentage by up to 10 percentage points to obtain needed shipments or to prevent uneconomic shipments of milk.

Due to the significant shift of milk to the Southwest Plains market and the resulting changes in the market's supply-damand relationship that took place when the St. Louis-Ozarks order was terminated on April 1, 1985, the delivery percentage was reduced from 50 to 40 percent for the months of May through August 1985. The downward revision of the delivery percentage was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that operates plants and represents producers supplying the Southwest Plains market. At Mid-Am's request the 40-percent pooling standard was extended through February 1986 to accommodate the efficient pooling of the additional reserve milk supplies associated with the market.

When Mid-Am asked that the lower delivery percentage continue to apply through February 1986, the cooperative requested a hearing on this issue and proposed that such percentage be reduced. At the hearing, Mid-Am testified that the lower standard is needed to reflect current marketing conditions. There was no opposition to the proposed lower standard. Mid-Am also asked that the lower delivery percentage for plants operated by a cooperative be further extended if the hearing proceeding has not been completed by the end of February 1986 when the current revision expires.

Testimony and statistics presented at the hearing indicated that the scope of regulation under the Southwest Plains order was extended considerably by the April 1 termination of the St. Louis-Ozarks order. For example, several distributing plants and supply plants regulated under the former St. Louis-Ozarks order and located in southwest Missouri and northwest Arkansas became regulated under the Southwest Plains order. The regulation of these plans under the Southwest Plains order had a dramatic impact of the market's supply-demand relationship. For example, from March to April 1985, Class I use of producer milk increased by 58 percent while producer supplies more than doubled. As a result, the Class I utilization of producer milk declined from 57 percent in March to 44 percent in April. Record data also show that during the months of April through September 1985, the Class I use of producer milk ranged from 6.9 to 10.8 percentage points below the market's Class I utilization for the same month of 1984. For the entire period of April through September 1985, such Class I utilization was 8.6 percentage points below the use during the same six-month period in 1984.

In view of the changes in the market's supply-demand relationship, it is concluded that a reduction of 10 percentage points in the pooling standard for plants operated by a cooperative association should be continued until the hearing proceeding, which involves consideration of this issue, is concluded. If the present downward revision expired at the end of February, more milk would have to be delivered to distributing plants than is necessary to meet the fluid milk needs of the market. A continuation of the lower pooling standard will prevent costly and inefficient movements of milk to distributing plants solely to qualify for pooling the milk of dairy farmers who supply the market's fluid needs.

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action costly and inefficient movements of milk would be made solely for the purpose of pooling the milk of dairy farmers who supply the market;

(b) This continuing action does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing conditions that provide the basis for this continuing action were fully explored at a public hearing held on November 6, 1985, where all interested parties had an opportunity to testify on the proposals in the notice. No opposition testimony to the proposed lower pooling requirement for a cooperative's plants was presented at the hearing.

Therefore, it is appropriate to reduce the delivery percentage specified in § 1106.7(c) by 10 percentage points beginning with the month of March 1986 and continuing until the hearing proceeding concerning this issue is concluded.

List of Subjects in 7 CFR Part 1106

Milk marketing orders, Milk, Dairy products.

The authority citation for 7 CFR Part 1106 continues to read as follows:

Authority Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

It is therefore ordered, That the 50-percent delivery requirement specified in § 1106.7(c) of the order be reduced to 40 percent until the hearing proceeding on this issue is completed.

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

§ 1106.7 [Amended]

In CFR Part 1106 is § 1106.7(c) the 50-percent delivery requirement is reduced to 40 percent beginning with the month of March 1986 and continuing until completion of the hearing proceeding on this issue.

Effective date: February 26, 1986.

Signed at Washington, DC, on: February 20, 1986.

W.H. Blanchard,

Acting Director, Dairy Division.

[FR Doc. 86-4110 Filed 2-25-86; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1822, 1823, 1941, 1943, 1944, 1945,1955, 1962 and 1965

Single and Multiple Family Housing and Farmer Program Loan; Interest Rates

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding loans for Single Family Housing, Multiple Family Housing and Farmer Program loans. This action is taken by FmHA to comply with Pub. L. 99-88 dated August 15, 1985. A provision of Pub. L. 99-88 provides that applicants requesting FmHA assistance have the right to request that their FmHA loan close at the lower of the interest rates in effect at the time of loan closing or loan approval. The intended effect of this action is to bring existing FmHA regulations into compliance with Pub. L. 99-88.

EFFECTIVE DATE: February 26, 1986.

FOR FURTHER INFORMATION CONTACT: David J. Villano, Senior Realty Specialist, Property Management Branch, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, South Agriculture Building, Room 5309, Washington, DC 20250. Telephone: (202) 382-1452.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental

Regulation 1512-1 which implements Executive Order 12291, and has been determined "nonmajor" since the annual effect on the economy is less than $100 million and there will be no increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This program is listed in the Catalog of Federal Domestic Assistance under:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.410 Low Income Housing loans
10.411 Rural Housing Site Loans
10.415 Rual Rental Housing Loans
10.416 Soil and Water Loans
10.421 Indian Tribes and Tribal Corporation Loans

Catalog Nos. 10.405, 10.411, 10.415 and 10.416 are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. Catalog Nos. 10.404, 10.406, 10.407, 10.410 and 10.421 are excluded from Executive Order 12372.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-90, an Environmental Impact Statement is not required.

It is the policy of this Department that rules relating to public property loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to comply with a mandatory statute in Pub. L. 99-88 and any delay would be contrary to the public interest.

Pub. L. 99-88 requires that effective November 12, 1983, and thereafter, upon request of the applicant, the interest rate charged by FmHA to housing, farm, water and waste disposal, and community facility applicants shall be the lower of the rates in effect at either the time of loan approval or loan closing and any FmHA grant funds associated with such loans shall be set in the amount based upon the interest rate in effect at the time of loan approval.

The provisions of Pub. L. 99-88 regarding the right of applicants to request that their FmHA loan be closed at the lower of the interest rates in effect at the time of loan approval or loan closing does not specifically address applicants requesting the transfer by assumption of an existing FmHA debt at new rates and terms, or a credit sale made to an applicant requesting credit on eligible terms to purchase a property from FmHA inventory. In many cases involving transfers by assumption and credit sales, a subsequent loan is made. It would be inconsistent with the intent of the law to provide that an applicant have the right to request the lower interest rate on a newly made FmHA loan but not on an FmHA loan they will assume or incur to purchase a property from FmHA inventory on the same day. Therefore, FmHA has determined that Public Law 99-88 does apply to transfers by assumption and credit sales for consistency within the loan program and to ensure that equal rights are provided for all FmHA applicants. Further, FmHA has determined that Pub. L. 99-88 does not apply to credit extended by the agency to individuals that are not eligible for program assistance. Credit of this nature is provided to facilitate the sale of Government inventory property or security servicing and such individuals applying for this type of credit are not considered program applicants.

Existing FmHA regulations do not give applicants the right to request that their FmHA loan close at the lower of the interest rates in effect at either the time of loan approval or loan closing. The interest rate is currently established on the date of loan approval and the loan is closed at that interest rate.

FmHA amends Subpart G of Part 1822, Subparts I and N of Part 1823, Subpart A of Part 1941, Subparts A, B and C of Part 1943, Subparts A, D and E of Part 1944, Subpart D of Part 1945, Subpart C of Part 1955, Subpart A of Part 1962, and Subparts A and C of Part 1965 by authorizing that Single Family Housing (SFH), Multiple Family Housing (MFH), and Farmer Program (FP) applicants shall have a choice as to the interest rate charged by FmHA on their loans. This action will bring existing FmHA SFH, MFH, and FP regulations into compliance with Pub. L. 99-88.

List of Subjects

7 CFR Part 1822

Loan program—Housing and community development, Low and moderate income housing, Mortgages, Nonprofit organizations, Rural housing.

7 CFR Part 1823

Credit, Indians.

7 CFR Part 1941

Crops, Livestock, Loan programs—Agriculture, Rural areas, Youth.

7 CFR Part 1943

Credit, Loan programs—Agriculture, Recreation, Water resources.

7 CFR Part 1944

Administrative practice and procedure, Aged, Farm labor housing, Grant Programs—Housing and community development, Handicapped, Home improvement, Loan programs—Housing and community development, Low and moderate income housing—Rental, Migrant labor, Mobile homes, Mortgages, Nonprofit organizations, Public housing, Rent subsidies, Rural housing, Subsides.

7 CFR Part 1945

Agriculture, Disaster assistance, Loan program—Agriculture.

7 CFR Part 1955

Government acquired property, Sale of government acquired property, Surplus government property.

7 CFR Part 1962

Crops, Government property, Livestock, Loan programs—Agriculture, Rural areas.

7 CFR Part 1965

Administrative practice and procedure, Foreclosure, Loan programs—Agriculture, Loan programs—Housing and community development, Low and moderate income housing—Rental, Mortgages, Rural areas.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1822—RURAL HOUSING LOANS AND GRANTS

1. The authority citation for Part 1822 is revised to read as follows:

Authority: 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart G—Rural Housing Site Loan Policies, Procedures, and Authorizations

2. § 1822.268 (a) is revised to read as follows:

§ 1822.268 Rates, terms, and source of funds.

(a) *Interest Rate.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If an applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved.

* * * * *

§ 1822.270 [Amended]

3. § 1822.270 (c) is amended by replacing the word "him" with the words "the State Director" in the second sentence.

4. § 1822.270 (d) is amended by replacing the word "him" with the words "the State Director" in the second sentence.

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

5. The authority citation for Subpart I and N is revised to read as follows:

Authority: 7 U.S.C. 1989, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart I—Processing Loans to Associations (Except for Domestic Water and Waste Disposal)

6. § 1823.256 (d) is revised to read as follows:

§ 1823.256 Loan Terms.

* * * * *

(d) *Interest rates.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If an applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved.

Subpart N—Loans to Indian Tribes and Tribal Corporations

§ 1823.401 [Amended]

7. § 1823.401 is amended by removing the word "his" from the last sentence.

§ 1823.406 [Amended]

8. § 1823.406 is amended by removing the last sentence and adding the following to the end of the section:

Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If an applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved.

PART 1941—OPERATING LOANS

9. The authority citation for Part 1941 is revised to read as follows:

Authority: 7 U.S.C. 1989, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart A—Operating Loan Policies, Procedures, and Authorizations

10. § 1941.18 introductory paragraph (a) is revised to read as follows:

§ 1941.18 Rates and terms.

(a) *Rates.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If an applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved. A lower rate may be established for a limited resource applicant subject to the following:

* * * * *

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

11. The authority citation for Part 1943 is revised to read as follows:

Authority: 7 U.S.C. 1989, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart A—Insured Farm Ownership Loan Policies, Procedures, and Authorizations

12. § 1943.18 introductory paragraph (c) is revised to read as follows:

§ 1943.18 Rates and terms.

* * * * *

(c) *Interest rate.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If the applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved. A lower rate is established in this Exhibit for a limited resource applicant subject to the following:

* * * * *

Subpart B—Insured Soil and Water Loan Policies, Procedures, and Authorizations

13. § 1943.68(c) is revised to read as follows:

§ 1943.68 Rates and terms.

* * * * *

(c) *Interest rate.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If an applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved.

Subpart C—Insured Recreation Loan Policies, Procedures, and Authorizations

14. § 1943.118 (c) is revised to read as follows:

§ 1943.118 Rates and terms.

* * * * *

(c) *Interest rate.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If an applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved.

PART 1944—HOUSING

15. The authority citation for Part 1944 is revised to read as follows:

Authority: 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

16. § 1944.25(b) is revised to read as follows:

§ 1944.25 Rates, terms, and source of funds.

* * * * *

(b) *Interest rate.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the rates in effect at the time of loan approval or loan closing. If the applicant does not

indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved.

* * * * *

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

17. § 1944.159(b) is revised to read as follows:

§ 1944.159 Rates and terms.

* * * * *

(b) *Interest rate.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If an applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office).

* * * * *

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

18. § 1944.214(a) is revised to read as follows:

§ 1944.214 Rates and terms.

(a) *Interest rate.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If an applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office).

* * * * *

PART 1945—EMERGENCY

19. The authority citation for Part 1945 is revised to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart D—Emergency Loan Policies, Procedures and Authorizations

20. § 1945.168(a) is revised to read as follows:

§ 1945.168 Rates and terms.

(a) *Interest rates.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If the applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved. Interest on the initial advance will accrue from the date of the promissory note. Interest on other advances will accrue from the date of the loan check for each such advance.

* * * * *

PART 1955—PROPERTY MANAGEMENT

21. The authority citation for Part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart C—Disposal of Inventory Property

22. § 1955.106(d)(2) is revised to read as follows:

§ 1955.106 Sale of suitable property (CONACT).

* * * * *

(d) * * *

(2) Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or closing. If the applicant does not indicate a choice, the loan will be closed at the rate in effect at the time of loan approval.

* * * * *

23. § 1955.107(a) is revised to read as follows:

§ 1955.107 Sale of surplus property (CONACT).

* * * * *

(a) *Rates and terms.* Surplus property will be offered for cash or on ineligible terms of not less than a ten percent (10%) downpayment with the remaining balance amortized over a period not to exceed 25 years. The interest rate for business and industrial property will be the established insured B&I rate for profit corporations plus ½ percent; for community programs property the interest rate will be the market rate for Community Programs. The interest rate for all other surplus property will be the current Farmer Program ineligible interest rate set forth in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office). Loans made on ineligible terms will be closed at the interest rate in effect at the time the loan was approved. The State Director will determine the loan terms for surplus property within these limitations. After extensive sales efforts where no acceptable offer has been received, the State Director may request the Administrator to permit offering surplus property for sale on more favorable rates and terms; however, a downpayment of not less than ten percent (10%) must be required and the terms may not be more favorable than those legally permissible for eligible borrowers. Surplus property will be offered for sale for cash or terms that will provide the best net return to the Government. The term of any financing extended may not be longer than the period for which the property will serve as adequate security. All credit sales on ineligible terms will be identified as NP loans.

* * * * *

24. § 1955.117(e) is revised to read as follows:

§ 1955.117 Processing credit sales on eligible terms (housing).

* * * * *

(e) *Interest rate.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rate in effect at the time of loan approval or loan closing. If the applicant does not indicate a choice, the loan will be closed at the rate in effect at the time of loan approval.

* * * * *

§ 1955.118 [Amended]

25. § 1955.118(c) is amended by adding the following to the end of the paragraph:

Loans made on ineligible terms will be closed at the interest rate which is in effect at the time the loan was approved.

PART 1962—PERSONAL PROPERTY

26. The authority citation for Part 1962 is revised to read as follows:

Authority: 7 U.S.C. 1989, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart A—Servicing and Liquidation of Chattel Security

27. § 1962.34(a)(2) is amended by removing the last two sentences and adding the following to the end of the paragraph:

§ 1962. 34 Transfer of chattel security and EO property and assumption of debts.

* * * * *

(a) * * *

(2) * * * If any deferred interest is not paid by the time the transfer takes place, it must be added to the principal balance and the loan must be assumed at new rates and terms. Upon request of an applicant assuming a loan at new rates and terms and/or an applicant eligible to receive limited resource rates

and terms, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If the applicant does not indicate a choice, the loan will be closed at the rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved.

* * * * *

PART 1965—REAL PROPERTY

28. The authority citation for Part 1965 continues to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart A—Servicing of Real Estate Security for Farmer Program Loans and Certain Note-Only Cases

29. § 1965.27(c)(2) is amended by removing the first sentence and adding the following sentences in its place:

§ 1965.27 Transfer of real estate security.

(c) * * *

(2) * * * Except as provided in paragraph (b)(5) of this section and in this paragraph, an applicant may request the interest rate charged by FmHA to be the lower of the rate in effect at either the time the assumption is approved or closed. If the applicant does not indicate a choice, the assumption will be closed at the rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type loan involved.

* * * * *

30. § 1965.27(d)(2) is amended by replacing the words "current rate" with the words "interest rate in effect at the time of loan approval" in the third sentence.

31. § 1965.27(d)(3) is amended by inserting the words "in effect at the time of loan approval" to the end of the last sentence.

Subpart C—Security Servicing for Single Family Rural Housing Loans

32. § 1965.126(c)(1) is revised to read as follows:

§ 1965.126 Transfer of property with assumption of indebtedness.

* * * * *

(c) * * *

(1) Except as provided in paragraph (c)(2) of this section, the applicant may request the interest rate charged by FmHA to be the lower of the rate in effect at either the time the assumption is approved or closed. If the applicant does not indicate a choice, the assumption will be closed at the rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type loan involved. The repayment period may be up to the maximum legal limit for the type loan involved.

* * * * *

Dated: January 22, 1986.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 86-3989 Filed 2-25-86; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM 79-14]

Order Prescribing Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: March 1, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8500.

SUPPLEMENTARY INFORMATION:

Publication of Prescribed Incremental Pricing Acquisition Cost Threshold of the NGPA of 1978

[Docket No. RM79-14]

Order of the Director, OPPR

Issued February 21, 1986.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incemental pricing acquisition cost threshold prices for the month of March 1986 are issued by the publication of a price table for the month. The incremental pricing acquisition cost threshold prices for months prior to those reflected on the table are found in § 282.304.

The threshold price for March which is based upon 130% of the cost of No. 2 fuel oil landed in New York City reflects data gathered by the Energy Information Administration (EIA) during December 1985. The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which the incremental pricing threshold becomes effective. The prices found in *Platt's Oilgram Price Report* are given for each trading day in the form of high and low prices for No. 2 fuel oil in Metropolitan New York and Northern New Jersey. A lag adjustment factor was calculated using the average of the low posted price for those two areas for the ten trading days ending February 14, 1986, and dividing that price by the corresponding average price computed from prices published by Platt's for the month of December 1985. This lag adjustment factor was applied to the December price to determine the price for March. This procedure will be followed in all subsequent months.

List of Subjects in 18 CFR Part 282

Natural Gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

[Calendar year 1985]

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental pricing threshold	$2.373	$2.378	$2.383	$2.388	$2.399	$2.410	$2.421	$2.427	$2.433	$2.439	$2.446	$2.453
NGPA section 102 threshold	3.869	3.890	3.911	3.932	3.962	3.992	4.022	4.045	4.068	4.091	4.116	4.141
NGPA section 109 threshold	2.452	2.457	2.462	2.467	2.478	2.489	2.500	2.506	2.512	2.518	2.525	2.532
130 percent of No. 2 fuel oil in New York city threshold	7.170	7.310	7.090	6.920	7.210	7.120	7.400	7.000	6.520	6.630	6.940	7.140

[Calendar year 1986]

	Jan.	Feb.	Mar.									
Incremental pricing threshold	$2.460	$2.467	$2.474									
NGPA section 102 threshold	4.166	4.191	4.216									
NGPA section 109 threshold	2.539	2.546	2.553									
130 percent of No. 2 fuel oil in New York City threshold	7.370	7.930	5.040									

[FR Doc. 86-4180 Fied 2-25-86; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[T.D. 8039]

Employment Taxes and Collection of Income Tax at Source; OMB Control Numbers Under the Paperwork Reduction Act; Employee Tip Reporting and Substantiation Requirements

Correction

In FR Doc. 85-17456, beginning on page 29964, in the issue of Thursday, July 23, 1985, make the following corrections:

1. On page 29964, first column, under **DATES,** in the sixth line, "§ 31.6053-3(j)(g)(9)" should read "§ 31.6053-3(j)(9)", and in the thirteenth line, "§ 31.6053—(b)(5)" should read "§ 31.6053-3(b)(5)".

2. On page 29967, first column, in § 31.6053-4T(b), in the fifth line, "of" should read "or".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-10-FRL-2974-5]

Standard of Performance for New Stationary Sources; Delegation of Authority of Local Air Agency in Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of Authority.

SUMMARY: Section 111(c) of the Clean Air Act permits EPA to delegate to States the authority to implement and enforce the standards set out in 40 CFR Part 60, Standard of Performance for New Stationary Sources (NSPS).

The State of Oregon Department of Ecology (ODEQ) requested EPA to delegate to the Lane Regional Air Pollution Authority (LRAPA) the authority to implement and enforce 22 NSPS categories on December 17, 1985. EPA granted the request on February 12, 1986. LRAPA now has the authority to enforce these 22 NSPS source categories as set forth in 40 CFR Part 60.

EFFECTIVE DATE: February 12, 1986.

ADDRESSES: The relative material in support of this delegation may be examined during normal business hours at the following locations: Air Programs Branch (10A-85-23), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Mark Hooper, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1949 FTS: 399-1949.

SUPPLEMENTARY INFORMATION: Pursuant to Section 111(c) of the Clean Air Act, as amended, the Regional Administrator of Region 10, EPA, delegated to the State of Oregon Department of Environmental Quality (ODEQ) on November 10, 1975, the authority to enforce the Standards of Performance for New Stationary Sources (NSPS). The delegation was announced in the **Federal Register** on February 20, 1976 (41 FR 7749). Subsequently, on April 23, 1982 (47 FR 20305), EPA concurred in a delegation by ODEQ to LRAPA for certain categories of the NSPS program. An additional delegation was made on February 10, 1983 (48 FR 8571).

On December 17, 1985, ODEQ requested approval of a delegation to LRAPA the authority to enforce 22 additional source categories under NSPS and on February 12, 1986, the Regional Administrator concurred in the following letter:

M/S 532

Fred Hansen, Director,
Department of Environmental Quality, P.O. Box 1760, Portland, Oregon 97207.

Dear Mr. Hansen: On December 17, 1985, you requested that EPA extend the subdelegation of authority to enforce 22 additional New Source Performance Standards (NSPS) to the Lane Regional Air Pollution Control Authority (LRAPA). We have reviewed that request and hereby grant the subdelegation to LRAPA with the authority to enforce the following categories:

Nitric Acid Plants (Subpart G)
Sulfuric Acid Plants (Subpart H)
Secondary Lead Smelters (Subpart L)
Secondary Brass & Bronze Production Plants (Subpart M)
Steel Plants-Electric Arc Furnaces (Subpart AAa)
Surface Coating of Metal Furniture (Subpart EE)
Lime Manufacturing Plants (Subpart HH)
Lead-Acid Battery Manufacturing Plants (Subpart KK)
Automobile & Light-Duty Truck Surface Coating Operations (Subpart MM)
Graphic Arts Industry-Publ. Rotogravure Printing (Subpart QQ)
Pressure-Sensitive Tape & Label Surface Coating Operations (Subpart RR)
Industrial Surface Coating-Large Appliances (Subpart SS)
Metal Coil Surface Coating (Subpart TT)
Asphalt Processing & Asphalt Roofing Manufacturing (Subpart UU)
Equipment Leaks of VOC in Synthetic Organic Chem. Mfg. (Subpart VV)
Beverage Can Surface Coating Industry (Subpart WW)
Bulk Gasoline Terminals (Subpart XX)
Flexible Vinyl Urethane Coating & Painting (Subpart FFF)
Synthetic Fiber Production Facilities (Subpart HHH)
Petroleum Dry Cleaners (Subpart JJJ)
Wool Fiberglass Insulation Manufacturing Plants (Subpart PPP)

In addition to the subdelegation of the 21 above listed categories, EPA grants authority directly to LRAPA to enforce the following category: Nonmetallic Mineral Processing Plants (Subpart OOO).

This delegation is subject to the conditions outlined in the original letter of delegation dated November 10, 1975 and published in the Federal Register (40 FR 7749) to the Oregon State Department of Environmental Quality. A Notice announcing this subdelegation will be published in the Federal Register in the near future.

The Notice will state, among other things, that effective immediately, all reports required pursuant to the federal NSPS from sources located in Lane County which were previously sent to the Director, Oregon State Department of Environmental Quality will now be sent to the Director, Lane Regional Air Pollution Authority. Additionally, LRAPA agrees to submit until further notice copies of reports required pursuant to 40 CFR 60.7(c) relating to excess emissions to EPA Region 10, Attention: Chief, Air Operations Section.

Since this subdelegation is effective immediately, there is no requirement that the state or local agency notify EPA of its acceptance. Unless EPA receives from the state or local agency written notice of objections within ten days of the date of receipt of this letter, the state or local agency will be deemed to have accepted all the terms of the subdelegation.

An advance copy of the **Federal Register** is enclosed for your information.

Sincerely,

Ernesta B. Barnes,

Regional Administrator.

Enclosure

cc: D. Arkell, LRAPA

This notice is being published to notify the public that a delegation of authority under NSPS has occurred.

Authority: Sec. 111(c) of the Clean Air Act, as amended. (42 U.S.C. 7401–7642.)

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel sulfuric acid plants, Waste treatment and disposal, Zinc.

Dated: February 12, 1986.

James R. Elder,

Acting Regional Administrator.

[FR Doc. 86-4098 Filed 2-25-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 65

[A-5-FRL-2971-2]

Air Quality Implementation Plans; Delayed Compliance Order; C.W. Zumbiel Co., Norwood, OH

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Final rule.

SUMMARY: The Administrator of U.S. EPA hereby issues a Delayed Compliance Order (DCO) to C.W. Zumbiel Company. The Order requires the Company to bring volatile organic compound (VOC) emissions from its rotogravure printing lines into compliance with Ohio Rule 3745–21–09(Y), part of the federally approved Ohio State Implementation Plan (SIP). Compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

EFFECTIVE DATE: This Final Rulemaking becomes effective on February 26, 1986.

FOR FURTHER INFORMATION CONTACT: Brent Marable, U.S. Environmental Protection Agency, Air Compliance Branch (5AC–26), 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6812.

SUPPLEMENTARY INFORMATION: On April 12, 1985, the Regional Administrator of U.S. EPA's Region V office published in the **Federal Register** (50 FR 14396) a notice setting out the provisions of a proposed federal Delayed Compliance Order for C.W. Zumbiel Company. The Order requires the Company to comply with the volatile organic compound emission limitations of Ohio Rule 3745–21–09(Y) by November 1, 1985, by the installation of add-on control equipment. The notice asked for public comments by May 13, 1985. No public comments were received. Therefore, effective this date, a Delayed Compliance Order is issued to C.W. Zumbiel Company by the Administrator of the U.S. EPA, pursuant to the authority of section 113(d) of the Clean Air Act. Compliance with the Order by the Company will preclude federal enforcement action under Section 113 of he Clean Air Act for violations of the SIP requirements covered by the Order. Citizen suits are similarly precluded.

Under section 307(b) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate Circuit by April 28, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 65

Air pollution control.

This notice is issued under authority of section 113 of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601).

Dated: February 8, 1986.

Lee M. Thomas,

Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

§ 65.400 [Amended]

1. By adding an entry to the Table in § 65.400—Federal Delayed Compliance Orders issued under sections 113(d) (1), (3), and (4) of the Act, to read as follows:

Source	Location	Order No.	SIP regulation(s) involved	Date of Federal Register Promulgation	Final compliance date
C.W. Zumbiel Co	Norwood, Ohio		Rule 3745-21-09(Y)	2-26-86	11/1/85

United States Environmental Protection Agency, Region V

[Order No. EPA-5-85-113-A(a)-3]

Proceeding Pursuant to Sections 113(d) and 114 of the Clean Air Act, as Amended [42 U.S.C. 7413(d), 7414]

In the matter of C. W. Zumbiel Company, 2339 Harris Avenue, Norwood, Ohio, Respondent.

This Order is entered into between the C.W. Zumbiel Company ("Zumbiel") and the United States Environmental Protection Agency ("USEPA") and is issued this date pursuant to Sections 113(d) and 114 of the Clean Air Act, as amended, 42 U.S.C. 7413(d), 7414 (hereinafter, "Act"). This Order contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for public comment, and thirty days notice to the State of Ohio have been provided by USEPA in accordance with section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1).

To effectuate the mutual objectives of USEPA and Zumbiel and to resolve the matter constructively and without litigation. Zumbiel consents to the actions required by this Order. Zumbiel agrees that USEPA has the right to enforce this Order under the Act in a court of competent jurisdiction.

Findings

1. On November 1, 1984, USEPA issued a Notice of Violation pursuant to section 113(a)(1) of the Act, 42 U.S.C. 7413(a)(1), to Zumbiel for violation of Ohio State Implementation Plan (SIP) Rule 3745–21–09(Y) by Press #50 and Press #51 at the company's facility located at 2339 Harris Avenue in Norwood, Ohio ("facility"). Rule 3745–21–09(Y)(1) prohibits any owner or operator of a rotogravure printing line from causing, allowing, or permitting the discharge of volatile organic compounds (VOCs) from each such line unless: (a) No coating used on the line has a VOC content of greater than forty percent by volume, excluding water; or twenty five percent by volume of the volatile content; or (b) the line is equipped with a capture system which operates at an efficiency of seventy percent by weight, and a control efficiency which is at least ninety percent by weight. Rule 3745–21–04(C)(32) requires that these limitations be achieved by December 31, 1982.

2. Zumbiel owns and operates two color rotogravure printing lines. One is a Bobst Champlain 6 Rotogravure color printer with an inline cutter, designated as Press #50 (P001). The other is a Bobst Champlain 7 Rotogravure color printer, designated as Press #51 (P002). Both presses are subject to Rule 3745–21–09(Y)(1)(a) or, alternatively, Rule 3745–21–09(Y)(1)(b)(i)(b).

3. Pursuant to Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4), an opportunity to confer with USEPA representatives was extended to Zumbiel, and a conference was held on December 5, 1984. During the conference Zumbiel explained the results of its investigations of compliance methods and efforts to come into compliance.

4. The violations of Rule 3745–21–09(Y) have continued beyond the thirtieth day after the date that Zumbiel received the Notice of Violation.

5. The Administrator has determined that, although Zumbiel has made significant efforts to achieve compliance with Rule 3745–21–09(Y), it was not able to do so by December 31, 1982. The Administrator has also determined that Zumbiel will be unable to achieve compliance prior to the dates set forth in the Compliance Program section of this Order.

6. After a thorough investigation of all relevant facts, including the seriousness of the violations and Zumbiel's good faith efforts to comply, and after opportunity for public comment, the Administrator has determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of the Order comply with section 113(d) of the Act, 42 U.S.C. 7413(d).

Therefore, the following terms are ordered and agreed:

Compliance Program

1. Zumbiel shall achieve and demonstrate compliance with Rule 3745–21–09(Y) at the facility. After November 1, 1985, Zumbiel shall not operate the facility in violation of Rule 3745–21–09(Y).

2. Zumbiel shall achieve and demonstrate compliance with Rule 3745–21–09(Y)(1)(b) in accordance with the following schedule:

A. Zumbiel has proposed to comply with Rule 3745–21–09(Y)(1)(b) by means of installation of a catalytic converter/heat recovery system manufactured by Pillar Corporation ("controls").

B. Zumbiel shall execute all necessary contracts for the purchase and installation of the controls not later than March 1, 1985.

C. Zumbiel shall acquire delivery of the controls by July 15, 1985.

D. Zumbiel shall complete installation of the controls, including collection equipment and all necessary auxiliaries, by September 30, 1985.

E. Zumbiel shall achieve and demonstrate compliance with Rule 3745–21–09(Y)(1)(b) not later than November 1, 1985. Compliance shall be demonstrated according to the test described in 40 CFR Part 60, Appendix A, Method 25 or, in the alternative, by a method determined by USEPA to be acceptable. Zumbiel shall notify USEPA of the date and time established for the test not less than fourteen days prior to such date. A written report of the test and its results shall be delivered to USEPA not later than fourteen days following the date of the test.

3. During such time that Zubiel is working toward compliance as outlined in paragraph 2 of the Compliance Program, above, Zumbiel shall also minimize VOC emissions in the following manner:

A. By not later than July 15, 1985, Zumbiel shall reduce the VOC content of its coatings and inks to a daily average of not more than 3.22 lbs VOC/lbs. solids on each of Presses #50 (P001) and #51 (P002); and

B. Effective immediately, Zumbiel shall substitute any reasonably available water-based coating and/or ink, for each solvent-based coating and/or ink used on each of Presses #50 (P001) and #51 (P002), provided that the substituted coating is first accepted by Zumbiel's customer. Customer acceptance shall be determined for each product affected by such substitution within fourteen days of such substitution.

4. The capture and control efficiencies of the controls shall meet the requirements of Rule 3745–21–09(Y)(1)(b)(i)(b) and Rule 3745–21–09(Y)(1)(b)(ii). Those sections require, *inter alia*, a capture efficiency that is at least seventy percent by weight, and a control efficiency that is at least ninety percent by weight.

5. With respect to the controls, Zumbiel shall:

A. Submit to USEPA not later than May 15, 1985, specifications, prints, and designs of the controls (including all hoods and collection equipment).

B. Maintain a continuous record of the operating temperature of the controls.

C. Submit to USEPA all information that USEPA may reasonably request in order to evaluate the controls, and/or operation thereof, by such date as USEPA shall establish.

6. USEPA shall have the right to reject any plans, specifications, or designs of the controls if in USEPA's judgment the controls will not meet the appropriate emission limitations.

7. In the event that Zumbiel fails to achieve compliance with Rule 3745–21–09(Y) by November 1, 1985, then it shall submit to USEPA in writing the following information for each coating, and/or ink used on each of presses #50 (P0001) and #51 (P002):

A. The identification of each coating and/or ink used on the press, as given by Zumbiel, and as given by the manufacturer of such coating or ink.

B. The VOC content, in percent by volume.

C. The water content, in percent by volume.

D. The density, in pounds per gallon.

E. The daily usage, in pounds per gallon.

F. The VOC content, as determined under Rule 3745–21–10(B) in:

i. percent by volume, excluding water; and

ii. percent by volume of the volatile content.

The information required by this paragraph 7 shall be submitted by January 15, 1986, for the fourth quarter of 1985, and for each quarter of 1986 if compliance with Rule 3745–21–09(Y) is not achieved by November 1, 1985. Any information reported hereunder for 1986

shall be reported to USEPA not later than 15 days after the close of the preceding quarter.

8. Not later than fourteen days after the scheduled completion date of any interim or final compliance schedule increment Zumbiel shall submit to USEPA a status report stating whether or not such compliance schedule milestone was achieved, and explaining any failure to meet such date.

9. All submittals, notifications and reports to USEPA pursuant to this Order shall be made to the Chief, Air Compliance Branch, Air Management Division, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. A copy of each document submitted to USEPA shall be sent to the Ohio Environmental Protection Agency, Office of Air Pollution Control, Box 1049, 361 East Broad Street, Columbus, Ohio 43216.

10. Nothing contained in this Order shall affect the responsibility of Zumbiel to comply with State or local laws or regulations or other Federal laws or regulations.

11. The provisions of this Order in no way address Zumbiel's potential liability under Section 120 of the Act, As amended, 42 U.S.C. 7420, nor is this Order a "notice of noncompliance" as that term is applied in section 120(b)(3) of the Act. Zumbiel acknowledges that it has been notified that it may be subject to penalties under section 120 of the Act, but reserves all rights to contest the assessment and attempted collection of noncompliance penalties under that Section. 42 U.S.C. 7413(d)(1)(E).

12. This Order shall be terminated in accordance with section 113(d)(8) of the Act, 42 U.S.C. 7413(d)(8), if the Administrator or his delegate determines on the record, after notice and hearing, that an inability to comply with the applicable Ohio State Implementation Plan no longer exists.

13. Zumbiel is protected by section 113(d)(10) of the Act, 42 U.S.C. 7413(d)(10), from Federal enforcement action, and from citizen suits under section 304 of the Act, 42 U.S.C. 7604, for noncompliance with those parts of the Ohio State Implementation Plan covered by this Order until November 1, 1985, where Zumbiel is in compliance with the terms of this Order.

14. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Act, including, but not limited to, section 303 of the Act, 42 U.S.C. 7503.

15. This Order is effective upon publication in the **Federal Register.**

Dated: February 8, 1986.

U.S. Environmental Protection Agency.

Lee M. Thomas,

Administrator, United States Environmental Protection Agency.

Zumbiel, by the duly authorized undersigned, hereby consents to the provisions of this Order and believes it to be a reasonable means by which the facility can achieve compliance with the Ohio State Implementation Plan. Zumbiel further waives any and all rights under any provisions of law to challenge this Order or its validity, but reserves all rights it may have to object to or contest any allegation of violation of this Order.

Dated: March 12, 1985.

C.W. Zumbiel Company.

Robert W. Zumbiel,

President.

[FR Doc. 86-3829 Filed 2-25-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 162

[OPP-36107; FRL-2972-1]

Cross References; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Technical amendments.

SUMMARY: This document revises cross references in 40 CFR Part 162 to reflect changes made by the removal of §§ 162.9-1 through 162.9-8 and the addition of Part 152 to the Code of Federal Regulations, as published in the **Federal Register** of August 1, 1984 (49 FR 30903). The removal of those sections and the addition of Part 152 became effective on April 25, 1985, as published in the **Federal Register** of April 25, 1985 (50 FR 16234). This regulation is a technical amendment which requires no opportunity for comment or public participation.

EFFECTIVE DATE: February 26, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: Jean M. Frane, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., Washington, DC 20460.

Office location and telephone number: Rm 1114B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-0944).

List of Subjects in 40 CFR Part 162

Administrative practice and procedure, Intergovernmental relations, Labeling, Packaging and containers, Pesticides and pests.

Dated: February 10, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR Part 162 is amended as follows:

PART 162—[AMENDED]

1. The authority citation for Part 162 is revised to read as follows:

Authority: 7 U.S.C. 136a, 136d, 136q, 136s, 136v, and 136w.

§ 162.2 [Amended]

2. In § 162.2(g)(2), the reference in the last line to "§§ 162.9-1 through 162.9-8" is revised to read "Subpart E of Part 152 of this chapter."

§ 162.6 [Amended]

3. In § 162.6(b)(1), the reference in the last line to "§§ 162.9-1 through 162.9-8" is revised to read "Subpart E of Part 152 of this chapter."

§ 162.41 [Amended]

4. In § 162.41, the language "and Subpart E of Part 152 of this chapter" is added to the end of the second sentence of the introductory text.

§ 162.45 [Amended]

5. In § 162.45(b), the reference in the heading to "§§ 162.9-1 through 162.9-8" is revised to read "40 CFR Part 152, Subpart E".

§ 162.160 [Amended]

6. In § 162.160(b)(2), the reference to § 162.9-1(b) is revised to read "§ 152.81(b)(4) of this chapter".

§ 162.165 [Amended]

7. In § 162.165(a), the language "and Subpart E of Part 152 of this chapter" is added after "162.17" in the introductory text.

[FR Doc. 86-3832 Filed 2-25-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 5F3214, 6F3305/R810; FRL-2973-7]

Pesticide Chemicals in or on Raw Agricultural Commodities; Tolerances for Iprodione

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide iprodione, its isomer and

metabolite, in or on certain raw agricultural commodities. This regulation, to permit the maximum levels of residues in or on the commodities, was requested in petitions submitted by Rhone-Poulenc, Inc.

EFFECTIVE DATE: Effective on February 26, 1986.

ADDRESS: Written objections, identified by the document control number (PP 5F3214, 6F3305/R810), may be submitted to the:

Hearing Clerk (A-110), Environmental Protection Agency, Rm. M-3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM# 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued notices, published in the **Federal Register**, which announced that Rhone-Poulenc, Inc., P.O. Box 125, Monmouth Junction, NJ 08852, submitted the following pesticide petitions to the EPA, requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide], its isomer [3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide] and its metabolite [3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide], in or on certain raw agricultural commodities as follows:

1. *PP 5E3214.* 50 FR 9123, March 6, 1985. Blueberries, boysenberries, currants, and raspberries at 15.0 parts per million (ppm).

2. *PP 6F3305.* 50 FR 46178, November 6, 1985. Broccoli at 25.0 ppm.

No comments were received in response to the notices of filing.

The data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the tolerances include:

1. A three-generation rat reproduction study with a no-observed-effect level (NOEL) of 500 ppm (25 mg/kg body weight/day), a reproductive lowest-effect level (LEL) of 2,000 ppm (100 mg/kg body weight/day), and a systemic NOEL equal to or greater than 2,000 ppm (100 mg/kg body weight/day).

2. A rabbit teratology study in which the following doses were administered by gavage, 0, 100, 200 and 400 mg/kg body weight, resulting in a teratogenic NOEL equal to or greater than 400 mg/kg body weight. This study is considered unacceptable under current guidelines because no NOEL for fetotoxic effects were demonstrated.

3. A rat teratology study in which the following doses were administered by gavage, 0, 100, 200, 400 mg/kg body weight, resulting in a teratogenic NOEL greater than 400 mg/kg body weight.

4. A 24-month rat feeding/oncogenicity study using dosage levels of 125, 250, and 1,000 ppm (6.25, 12.5, and 50 mg/kg body weight/day), which showed no oncogenic effects under the conditions of the study and resulted in a systemic NOEL equal to or greater than 1,000 ppm.

5. An 18-month oncogenicity study in mice using dosage levels of 200, 500, and 1,250 ppm (28.6, 71.4, 178.6 mg/kg body weight/day), which showed no oncogenic effects under the conditions of the study.

6. A 1-year dog feeding study using dosage levels of 100, 600, and 3,600 ppm (2.5, 15, and 90 mg/kg body weight/day) with a NOEL of 100 ppm (2.5 mg/kg body weight/day) and a LEL of 600 ppm (15 mg/kg body weight/day).

7. A 90-day dog feeding study using dosage levels of 800, 2,400, and 7,200 ppm (20, 60, and 180 mg/kg body weight/day) with a NOEL of 2,400 ppm (60 mg/kg body weight/day) and a LED of 7,200 ppm (180 mg/kg body weight/day).

8. A mammalian cell forward mutation study, Chinese hamster ovary (CHO) metaphase analysis study, and sister chromatid exchange study were negative for mutagenic effects and a DNA damage study was positive.

Data currently lacking include a second teratology study using gastric intubation, and an acute dermal study. The second teratology study was required under section 3(c)(2)(B) of FIFRA (7 U.S.C. 136(c)(2)(B)). The study has been received and is under evaluation by the Agency.

The acceptable daily intake (ADI) based on the three-generation rat reproduction study (NOEL of 25 mg/kg/day) and using a 100 fold safety factor, is calculated to be 0.2500 mg/kg of body weight/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 15.00 mg/day. The theoretical maximum residue contribution (TMRC) from the tolerances is .065 mg/day and utilizes 0.44 percent of the MPI. These tolerances and the published tolerances utilize a total of 12.74% of the MPI.

The nature of the residues is adequately understood and an adequate analytical method, gas liquid chromatography using an electron capture detector, is available for enforcement purposes. There are presently no actions pending against the continued registration of the chemical.

Based on the information and data considered, the Agency concludes that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation, may within 30 days after the publication in the **Federal Register**, may file written objections with the Hearing Clerk at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12211, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing tolerance levels or establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 11, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.399 is amended by adding and alphabetically inserting the commodities to read as follows:

§ 180.399 Iprodione: tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Blueberries	15.0
Boysenberries	15.0
Broccoli	25.0
Currants	15.0
* * * * *	
Raspberries	15.0
* * * * *	

[FR Doc. 86-3939 Filed 2-25-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

48 CFR Part 1033

Acquisition Regulations; Protests, Disputes, and Appeals

AGENCY: Office of the Secretary, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on protests, disputes, and appeals, to revise the citation for the Rules of the General Services Administration Board of Contract Appeals.

FOR FURTHER INFORMATION CONTACT: Thomas P. O'Malley, Director, Office of Procurement, or Robert E. Lloyd, Procurement Analyst, 1500 Pennsylvania Avenue NW., Washington, DC 20220, telephone (202) 566-2115.

Make the following correction to FR Doc. 85-18682 beginning on page 31844 in the issue of Wednesday, August 7, 1985:

§ 1033.270 [Corrected]

In § 1033.270, on page 31845, in the first column, in the fourth and fifth lines, "48 CFR Chapter 5, Appendix B" should read "48 CFR Chapter 61 (Part 6101)."

Dated: February 18, 1986.

Thomas P. O'Malley,

Director, Office of Procurement.

[FR Doc. 86-4111 Filed 2-25-86; 8:45 am]

BILLING CODE 4810-25

Proposed Rules

Federal Register
Vol. 51, No. 38
Wednesday, February 26, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Frozen Quick-Cooking Beans or Frozen Quick-Cooking Peas

Correction

In FR Doc. 86-2657, beginning on page 4605, in the issue of Thursday, February 6, 1986, make the following correction:

1. On page 4605, third column, in the table of contents, § 52.6429, "Samples" should read "Sample".

2. On page 4606, first column, § 52.6423(c), in the sixth line, "bean" should read "beans".

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 85-092]

Cattle From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations in 9 CFR Part 92 concerning the importation into the United States of cattle from Canada. It is proposed to amend the regulations by designating the Canadian provinces of Ontario and Quebec as brucellosis certified free provinces and by allowing cattle classified as cattle from brucellosis certified free provinces of Canada to enter into the United States at certain existing ports of entry. It appears that this action is necessary to relieve restrictions on the importation of certain cattle from Canada since it has been determined that these provinces are free of brucellosis.

DATE: Written comments must be received on or before April 28, 1986.

ADDRESS: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 85-092. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday though Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Allan A. Furr, Chief Staff Veterinarian, Import—Export Animals and products Staff, VS, APHIS, USDA, Room 846, Federal Building, 6505 Belcrest Road Hyattsville, MD 20782. 301-436-8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 92 (referred to below as the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases. Section 92.20 of the regulations contains specific provisions concerning the importation into the United States of cattle from Canada. These provisions include, as a condition of importation, that cattle from Canada six months of age or older, except steers and cattle for immediate slaugher, must be accompanied by a brucellosis test certificate or brucellosis vaccination certificate.

Brucellosis Certified Free Provinces of Canada

To qualify for a brucellosis test certificate or brucellosis vaccination certificate, cattle from Canada six month of age or older, except steers and cattle for immediate slaughter, must meet one of the alternative sets of requirements set forth in § 92.20(c) of the regulations. One alternative set of requirements allows such cattle to qualify for a brucellosis test certificate if they originated from brucellosis certified free provisnces of Canada, if they have been tested for brucellosis with negative results within 30 days prior to their date of entry, and if they originated from a herd that had been maintained as a herd unit for at least one year prior to their exportation. Also, it should be noted that a herd unit is defined as:

a herd in which all the cattle were born and raised within the herd or were moved directly from another herd located within the brucellosis certified free provinces of Canada, or were moved directly from a brucellosis certified free herd in accordance with Canadian requirements for movement into brucellosis certified free provinces of Canada.

The brucellosis certified free provinces of Canada are listed in § 92.1(w) of the regulations. Section 92.1(w) states as follows:

(w) *Brucellosis certified free provinces of Canada.* Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland (including Labrador), Nova Scotia, Prince Edward Island, and Saskatchewan, known in Canada as brucellosis accredited free provinces.

This document proposes to amend § 92.1(w) adding the provinces of Ontario and Quebec to the list of brucellosis certified free provinces of Canada.

Based to the results of disease control surveillance and testing programs conducted by animal health authorities of the Canadian government, these two provinces have been accredited by the Canadian government as brucellosis free. Animal health authorities of the Canadian government have advised the Department that the last province was declared officially free of brucellosis in September 1985 and that there are no brucellosis-quarantined herds in these provinces.

Under Canadian law, as a condition to maintain status as a brucellosis accredited free province (as noted above in § 92.1(w), brucellosis certified free provinces are known in Canada as brucellosis accredited free provinces), dairy herds in the province must be subjected to a minimum of three milk ring tests for brucellosis each year. Also, non-dairy herds must have had a rate of a least 5 percent market cattle tests conducted each year or a complete herd test at the end of each 3-year period. Further, cattle for breeding purposes originating from provinces of Canada other than brucellosis accredited free provinces must comply with testing requirements for movement into the brucellosis accredited free provinces. If this proposal is adopted as a rule, all of the Canadian provinces will be included in the list of brucellosis certified free provinces.

Ports of Entry

Section 92.20(c)(2) provides, in part, that:

Cattle to be imported into the United States from brucellosis certified free provinces of Canada shall be (A) moved entirely within the boundaries of the brucellosis certified free provinces of Canada from the farm of origin directly to the United States ports of entry of Eastport, Idaho; Houlton, Maine; Raymond, Opheim, and Sweetgrass, Montana; Pembina, Portal, and Dunseith, North Dakota; and Blaine, Sumas, Lyndon, and Oroville, Washington; or (B) such cattle shall be moved in a vehicle sealed with Canadian Government seals. If the cattle to be imported are shipped in sealed vehicles, the seal numbers shall be recorded on the certificate, and the seals may only be broken by a United States port veterinarian at the United States port of entry.

This document proposes to amend § 92.20(c)(2) by adding the existing Canadian border ports of Jackman, Maine; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Alexandria Bay, Buffalo, Champlain, Ogdensburg, and Rooseveltown, New York; and Derby Line and Highgate Springs, Vermont; to the list of United States ports of entry through which cattle to be imported into the United States from brucellosis certified free provinces of Canada may be shipped. These port of entry provisions are designed to help ensure that cattle are transported only through brucellosis certified free provinces and thereby avoid contact with animals affected with or exposed to brucellosis. If these border ports are added to the list in § 92.20(c)(2), the list wil include all the Canadian border ports, since all of the Canadian provinces will be included in the list of brucellosis certified free provinces.

Executive Order 12291 and Regulatory Flexibility Act

This proposed rule has been reviewed in conformance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action would not have a significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and should have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export markets.

It is anticipated that if the proposed rule is adopted, there will be no significant change in the number of cattle imported into the United States from Canada and that there will be no significant change with respect to the cost of importing cattle into the United States from Canada.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Under the circumstances explained above, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, it is proposed to amend the regulations in 9 CFR Part 92 as follows:

1. The authority citation for Part 92 would continue to read as set forth below:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 92.1(w) would be revised to read:

§ 92.1 Definitions.

* * * * *

(w) *Brucellosis certified free provinces of Canada.* Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland (including Labrador), Nova Scotia, Ontario, Quebec, Prince Edward Island, and Saskcatchewan, known in Canada as brucellosis accredited free provinces.

* * * * *

§ 92.20 Cattle from Canada.

3. The sixth sentence of paragraph (c)(2) of § 92.20 would be changed to: "Cattle to be imported into the United States from brucellosis certified free provinces of Canada shall be moved entirely within the boundaries of the brucellosis certified free provinces of Canada from the farm of origin directly to the United States ports of entry of Eastport, Idaho, Houlton and Jackman, Maine; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Opheim, Raymond, and Sweetgrass, Montana; Alexandria Bay, Buffalo, Champlain, Ogdensburg, and Rooseveltown, New York; Dunseith, Pembina, and Portal, North Dakota; Derby Line and Highgate Springs, Vermont; and Blaine, Lynden, Oroville, and Sumas, Washington, or such cattle shall be moved in a vehicle sealed with Canadian governmental seals.

Done at Washington, DC, this 20th day of February 1986.

Gerald J. Fichtner,

Acting Deputy Adminstrator, Veterinary Services.

[FR Doc. 86–4150 Filed 2–25–86; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Part 322

[Docket No. 85-011P]

Delivery of Export Certificates

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend Part 322 (9 CFR Part 322) of the Federal meat inspection regulations by adding a provision to § 322.2(e) that would permit the filing of a duplicate export certificate with the U.S. Customs Service within four days of the clearance of a vessel carrying a shipment of meat products. This action is consistent with regulations of the United States Customs Service that allow a 4-day delay in the filing of the Complete Cargo Declaration. In the interim period, Customs has agreed to clear the vessel on the basis of a statement containing information as to the export certificate number. This action is necessary so that vessels carrying meat products can depart on schedule even though certain export certificates are not on file at the time of departure.

DATES: Comments must be received on or before: April 28, 1986.

ADDRESS: Written comments to: U.S. Department of Agriculture, Food Safety and Inspection Service, Policy Office, Attention: Annie Johnson, Room 3803,

South Agriculture Building, Washington, DC 20250. (See also "COMMENTS" under "SUPPLEMENTARY INFORMATION.")

FOR FURTHER INFORMATION CONTACT: Patricia Stolfa, Deputy Administrator, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3473.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this proposed rule is not a "major rule" under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This proposed rule would make more flexible and less burdensome certain paperwork requirements imposed by the Department.

Effect on Small Entities

The Administrator, FSIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). The proposed rule would make more flexible and less burdensome certain paperwork requirements imposed by the Department.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Policy Office and should refer to the docket number located in the heading of this document. All comments received in response to this proposal will be available for public inspection in the Policy Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Under the provisions of the Federal Meat Inspection Act (FMIA), an export certificate must be issued by an inspector covering meat products intended for export to and sale in a foreign country indicating that the products were sound and wholesome at the time of inspection. In addition, the FMIA prohibits the clearance for departure of any vessel carrying meat products unless and until an export certificate has been issued (21 U.S.C. 617). Section 322.2(e) of the Federal meat inspection regulations (9 CFR 322.2(e)) requires that the duplicate of the export certificate be delivered to the shipper for filing with the United States Customs Service (Customs) at the time the master's manifest or supplemental manifest is filed by the chief officer of the vessel with Customs, that is, on the day of departure (9 CFR 322.2(e)). However, Customs' laws and regulations allow shippers a 4-day delay in the filing of a Complete Cargo Declaration (manifest) if the vessel's cargo declaration is not complete (or if certain required shipper's export declarations are not on file), and a General Declaration is filed at departure time (46 U.S.C. 91, 19 CFR 4.75).

Recently, there have been several instances where a vessel carrying meat products has been denied clearance by Customs because the export certificate, covering meat products on board, was not available at the time the vessel was due to depart. This frequently occurs because certain importing countries require that a veterinarian sign the export certificate. All such products would be certified as being sound and wholesome, and the certificate would be prepared and the boxes stamped with the number of the export certificate. However, if the veterinarian is on an assignment covering more than one establishment, or if the product is being shipped from an establishment without veterinary coverage, then the veterinarian may not be able to send the signed certificate, verifying completion of inspection, in a timely manner. In these cases, if the veterinarian notifies plant management that product may be shipped, then the product may be moved from the establishment even without a signed certificate.

This proposed rule would permit the shipper, shipper's agent or the vessel's agent to provide to Customs a statement under the shipper's or agent's letterhead signed by the shipper briefly describing the shipment of the product, in those instances where the export certificate is not available at departure time. This description would include the number of boxes covered, number of pounds covered, type of product, and the number of the export certificate that covers the shipment of the product. For example, the following statement would be acceptable: "The *600* boxes, *36,000* pounds of *Beef Tenderloins* in the shipment are covered by *USDA Export Certificate No. MPA 52983.*" The export certificate number is readily available to the shipper because the outside of each container is required to be stamped with the number of the export certificate covering it before the shipment leaves the establishment. Customs has agreed to then clear the vessel for departure on the basis of the statement. The duplicate of the signed export certificate would be delivered to Customs by the shipper, shipper's agent or vessel's agent within four business days of the vessel's departure. The 4-day time frame is consistent with Customs' regulations that allow a Complete Cargo Declaration (manifest) or shipper's export declarations to be filed within four business days after clearance.

This proposed rule is expected to impact positively on all shippers and exporters, and on FSIS and the Customs Service, as it immediately relieves an unnecessary, FSIS-imposed restriction that conflicts with Customs' procedures and is currently causing enforcement problems for Customs and vessel delays for shippers transporting meat products as part of or all of their cargo. Since the product has been inspected and certified for export (the export stamp provides this assurance), unavoidable delay in the delivery of the certificate to Customs should not delay a vessel's departure.

List of Subjects in 9 CFR Part 322

Meat inspection, Exports.

Proposed Rule

PART 322—[AMENDED]

1. The authority citation for Part 322 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et. seq.*, 33 U.S.C. 1254.

2. Paragraph (e) of § 322.2 of the Federal meat inspection regulations (9 CFR 322.2(e)) would be amended by revising it to read as follows:

§ 322.2 Export certificates; instructions concerning issuance.

* * * * *

(e) The duplicate of the certificate shall be delivered to the shipper and shall be delivered by him to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made, or to the vessel's agent, and shall be used only by such carrier and only for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel or the vessel's agent, shipper or shipper's agent shall file such duplicate with the Customs officer within four (4) days of the clearance of the vessel at the time of filing the complete manifest. In the

interim period, the vessel will be cleared by Customs on the basis of a statement, under the shipper's or agent's letterhead, containing the number of boxes, the number of pounds, the product name and the USDA export certificate number that covers the shipment of the product.

* * * * *

Done at Washington, DC on February 7, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

FR Doc. 86-4151 Filed 2-25-86; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 842-3109]

C&D Electronics, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, a Jenison, Mich. manufacturer and marketer of cable television decoders to cease selling or distributing the decoders to any unauthorized purchasers. Additionally, respondents would be required to cease representing that: (1) Consumers can lawfully own or use decoders; (2) the use of decoders is legal without authorization from a cable company; or (3) ownership or use of a cable decoder is similar to the ownership or use of a telephone. Further, respondents would be required to make an affirmative disclosure with the sale of any of their cable television decoders.

DATE: Comments must be received on or before April 28, 1986.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: William MacLeod, Director, Chicago, Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, IL 60603. (312) 353-4423.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having being filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Cable television decoders, Trade practices.

Before Federal Trade Commission

[File No. 842-3109]

Agreement Containing Consent Order to Cease and Desist

In the Matter of C&D Electronics, Inc., a corporation, and David Barwacz, and Larry Bostelaar, individually and as officers of the corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of C&D Electronics, Inc., a corporation, and David Barwacz and Larry Bostelaar, individually and as officers of said corporation, and it now appearing that C&D Electronics, Inc., a corporation, and David Barwacz and Larry Bostelaar, individually and as officers of said corporation, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between C&D Electronics, Inc., by its duly authorized officer, and David Barwacz and Larry Bostelaar, individually and as officers of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent C&D Electronics, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Michigan, with its office and principal place of business located at 2026 Chicago Avenue, Jenison, Michigan 49428.

Proposed respondents David Barwacz and Larry Bostelaar are officers of said corporation. They formulate, direct and control the policies, acts and practices of said corporation and their address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute and admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other order. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement

may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this Order, the following definitions will apply:

"Authorized person(s)" shall mean any person that is a cable operator or a cable system operator, operating a cable system, as defined herein, pursuant to a franchise issued by a cable franchising authority, or any person manufacturing or distributing cable television decoders, descramblers converter-decoders, or converter-descrablers pursuant to a contract, agreement, license or other arrangement with a cable operator or a cable system operator to provide, furnish or supply such products to a cable system.

"Cable operator" or "cable system operator" shall mean any person, partnership, or corporation that provides cable service over a cable system or that, directly of through one or more affiliates, owns a significant interest in any cable system or who otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.

"Cable system" shall mean a facility or combination of facilities, constructed or operated pursuant to a franchise, that consists of a set of closed transmission paths and associated signal generation, reception and control equipment and that is designed to provide cable service to multiple subscribers within a community or a satellite master antenna system (SMATV), that serves subscribers in one or more multiple unit dwellings under common ownership, control or management.

"Franchise" shall mean an initial authorization or renewal thereof, issued by a franchising authority, whether designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the construction or operation of facilities designed to provide cable service.

"Franchising authority" shall mean any state, political subdivision, or agency thereof, or any governmental entity empowered by Federal, State of local law to grant a franchise.

I

It is ordered that respondents C&D Electronics, Inc., a corporation, its successors and assigns, and its officers, and David Barwacz and Larry Bostelaar, individually and as officers of the corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, of any cable television decoder, descrambler, converter-decoder or converter-descrambler that may be used for decoding, descrambling, and/or intercepting in any manner whatsoever of all or any part of any cable television transmission do forthwith cease and desist from selling or distributing, any such product to any person that is not an authorized person hereunder.

II

It is ordered that respondents C&D Electronics, Inc., its successors and assigns, and its officers, and David Barwacz and Larry Bostelaar, individually and as officers of the corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, of any cable television decoder, descrambler, converter-decoder or converter-descrambler that may be used for decoding, descrambling, and/or intercepting in any manner whatsoever of all or any part of any cable television transmission, do forthwith cease and desist from representing, directly or by implication that:

1. Any consumer may lawfully own or use such a product.

2. The ownership and use of any such product is the same as or similar to the ownership or use of telephone equipment.

3. Any consumer may lawfully use any such product without first obtaining authorization from a cable company and paying the required fees.

III

It is further ordered that respondents shall, for a period of five years after the date this Order becomes final, maintain and upon request make available to the Federal Trade Commission for inspection and copying copies of:

1. All sales invoices showing sales of any cable television decoder, descrambler, converter-decoder or converter-descrambler with the invoices showing the name of the person or persons, to whom the sale was made, along with their address(es) and the quantity of such products sold to such person(s).

2. Documents verifying that for each such sale the buyer was an authorized person hereunder.

IV

It is further ordered that respondents shall, in connection with the sale of any cable television decoder, descrambler, converter-decoder or converter-descrambler that may be used for the decoding, descrambling, and/or intercepting in any manner whatsoever of all or any part of any cable television transmission, disclose clearly and conspicuously in writing to the buyer the following statement:

> The possession and use of cable TV equipment on any cable TV system without specific authorization from a cable company and the payment of required fees is strictly prohibited in most states. C&D sells its products only to authorized persons.

V

It is further ordered that respondents shall forthwith distribute a copy of this Order to each of its agents, representatives and employees having advertising, marketing, sales or corporate policy responsibilities with respect to the subject matter of this Order and secure from each such person a signed statement acknowledging receipt of a copy of the Order.

VI

It is further ordered that respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

VII

It is further ordered that respondents David Barwacz and Larry Bostelaar shall, for a period of five (5) years after the date of service of this Order, notify the Commission of the discontinuance of their present employment and of their affiliation with any new business or employment, involving the manufacture, advertising, sale, offering for sale or distribution in commerce of any cable

television equipment or accessories, or of their affiliation with any new business or employment in which their duties or responsibilities would involve the manufacture, advertising, sale, offering for sale or distribution of cable television equipment or accessories, with each such notice to include respondent's new business address and a statement as to the nature of the new business or employment, as well as a description of their duties and responsibilities.

VIII

It is further ordered that respondents, within sixty (60) days from the date of service of this Order, shall file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from C&D Electronics, Inc., a corporation, and David Barwacz and Larry Bostelaar, individually and as officers of the corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter concerns the alleged sale of unauthorized cable television decoders, descramblers, converter-decoders or converter-descramblers (hereinafter collectively referred to as "decoders") to cable television subscribers. Cable companies provide the decoders to their subscribers in order to determine and charge for the level of programming service used. By purchasing a decoder from an unauthorized source, a cable subscriber could avoid payment of the required fees to the cable company.

The complaint accompanying the proposed order alleges that C&D Electronics and the individuals sold cable television decoders designed and used to allow unauthorized viewing by cable subscribers of certain cable television programming. According to the complaint the sale and use of C&D's decoders resulted in the loss to cable companies of potential or present subscription revenues, resulting in legitimate cable subscribers paying higher prices or receiving reduced services from cable companies. In addition, municipalities granting cable system franchises received reduced fees from the cable systems to the detriment of all residents of the municipality. These acts and practices were to the prejudice and injury of the public and constituted unfair acts or practices in violation of section 5 of the Federal Trade Commission Act.

The consent order defines the meaning of the terms "Authorized Person", "cable operator" or "cable system operator", "cable system", "Franchise" and "Franchising Authority" as those terms are used in the order. The rest of the consent order contains provisions designed to remedy the company's and the individual's alleged violations of section 5.

Part I of the order prohibits respondents from selling or distributing cable television decoders to any person that is not an authorized person under the order.

Part II requires respondents to cease representing directly or by implication that any consumer can lawfully own or use a decoder; that the use of such a device is legal without first obtaining authorization from, and paying the required fees to, a cable company; or that ownership and use of a cable decoder is the same or similar to the ownership or use of a telephone.

In addition, respondents must make the following affirmative disclosure in connection with the sale of any cable television decoder:

> The possession and use of cable-TV equipment on any cable-TV system without specific authorization from a cable company and the payment of required fees is strictly prohibited in most states. C&D sells its products only to authorized persons.

The Commission is interested in public comment on the appropriateness of revising this disclosure to reference the recently enacted Cable Communication Policy Act of 1984, 47 U.S.C. 521 *et. seq.*, which prohibits the manufacture and distribution of cable equipment intended for the unauthorized reception of any cable communications.

Respondents must also maintain, for a period of five (5) years, such sales records as will show their compliance with the terms and provisions of the order. Respondents must also distribute a copy of the order to appropriate employees, and provide the Commission at least thirty (30) days notice of any proposed changes in the corporate Respondent. Furthermore, the individual respondents, for a period of five (5) years, must notify the Commission of the discontinuance of their present employment and their affiliation with any new business or employment that would involve the manufacture, advertising, sale, offering for sale or distribution of any cable television equipment or accessories.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 86-4109 Filed 2-25-86; 8:45 am]

BILLING CODE 6750-01-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange-Visitor Program

AGENCY: United States Information Agency.

ACTION: Proposed rule; Notice of Extension of Time for Comments.

SUMMARY: The United States Information Agency announces that the proposed rulemaking, Rulemaking No. 1, regarding the Exchange-Visitor Program notice in 50 FR 52938, December 27, 1985, is extending the time for response. Parties wishing to participate were to notify the Agency in writing no later than February 25, 1986. The date is extended to March 28, 1986.

DATE: Parties wishing to participate should notify the Agency in writing no later than March 28, 1986.

ADDRESS: Send notice of desire to participate to: Merry Lymn, Attorney-Advisor, United States Information Agency, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Merry Lymn, Attorney-Advisor, United States Information Agency, 301 4th Street, SW., Washington, DC 20547 (202) 485-7976.

SUPPLEMENTARY INFORMATION: By notice published at 50 FR 52938, December 27, 1985, the United States Information Agency announced a new rulemaking, Rulemaking No. 1. By that announcement, the Agency invited comments from the public. Parties wishing to participate in the rulemaking were asked to notify the Agency in writing no later than February 25, 1986. It has come to the attention of the Agency that there are parties who wish to participate in the rulemaking and were unable to notify the Agency in time. Therefore, the time for notification

to Agency of an interest in participation is extended until March 28, 1986. The Agency is notifying the public of its intent to extend the time limitation by publication in the **Federal Register**, by mailing copies of this notice to all teenage exchange sponsors, to school administration organizations and to others known or thought to be interested in this proceeding.

List of Subjects in 22 CFR Part 514

Cultural exchange programs.

Authority: Sec. 4, 63 Stat. 111; secs. 102, 109(a)(b)(d), 75 Stat. 527, 534, 535; secs 101(a)(15)(J), 104(a), 212(e), 66 Stat. 166, 174, 182, 184; sec. 2, 84 Stat. 116, 117 (22 U.S.C. 2658, 2452); (8 U.S.C. 1101(a)(15)(J), 1104(a), 1182(e), 1258); Reorganization Plan No. 2 of 1977; Executive Order 12048 of March 27, 1978; the United States Information Agency Authorization Act, Fiscal Years 1982 and 1983, Pub. L. 97–241, Title III, August 24, 1982; Pub. L. 97–116, 75 Stat. 1611, 1612, 1613 (8 U.S.C. 1182(a)(15)(J)). Pub. L. 97–241, 96 Stat. 291. Pub. L. 87–256, 75 Stat. 527, as amended; Delegation Order No. 85–5, June 27, 1985, 50 FR 27393.

Dated: February 21, 1986.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 86–4190 Filed 2–25–86; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–040]

Health and Safety Standards; Occupational Exposure to 4,4'-Methylenedianiline (MDA)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice. Response to the Environmental Protection Agency (EPA) under section 9(a) of the Toxic Substances Control Act (TSCA).

SUMMARY: This notice was prepared in response to the EPA notice of July 5, 1985 (50 FR 27674) which announced that EPA was referring MDA to OSHA under section 9(a) of TSCA. OSHA has determined, on the basis of the evidence available, that the risk described by EPA may be eliminated or reduced to a significant extent by a workplace standard which regulates worker exposure. Further, OSHA believes, on the basis of preliminary data, that the adoption of an occupational standard for worker exposure to MDA is economically and technologically feasible. The Agency is therefore examining various exposure scenarios which might serve as the basis for a proposed regulation. OSHA has also concluded that there is a reasonable basis to believe that the manufacture and use of MDA presents a significant risk to the health of exposed workers. This notice also describes the regulatory activities initiated by OSHA including negotiated rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, OSHA, U.S. Department of Labor, Office of Public Affairs, Room N–3641, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 523–8151.

SUPPLEMENTARY INFORMATION:

I. Background

OSHA announced its intention to study and possibly regulate workplace exposure to the chemical, MDA, in an Advance Notice of Proposed Rulemaking (ANPR) [48 FR 42836; September 20, 1983], published jointly with EPA. The comments and information received in response to the ANPR were submitted to the EPA Docket No. OPTS–64000A. All relevant materials from this docket are now a part of the OSHA Docket (H–040). All citations herein refer to this docket.

OSHA has analyzed the material submitted in response to the ANPR, including the risk assessment developed by EPA and the technological and economic feasibility documents. As a result of this analysis, the Agency has determined that a significant risk may be associated with worker exposure to MDA. This determination supports the evaluation of risk by EPA.

OSHA and EPA examined the docket information and made regulatory determinations simultaneously. On July 5, 1985, EPA published a **Federal Register** notice which indicated that MDA rulemaking would be referred to OSHA in accordance with EPA's section 9 TSCA provisions (90 Stat. 2030; 15 U.S.C. 2608) (50 FR 27674). This notice gave OSHA 180 days (later extended 45 days) to respond. Specifically, the EPA referral notice states that the unregulated manufacture and use of MDA presents an unreasonable risk of injury to human health, and that the risk may be prevented or reduced to a sufficient extent by actions taken under the Occupational Safety and Health Act (OSH Act). EPA, following the procedural requirements of section 9(a) of TSCA, requested OSHA to determine if the risks described in the EPA report may be prevented or reduced to a sufficient extent by action taken under the OSH Act. If such a determination is made, then OSHA was requested to issue an order declaring whether the manufacture and use described in the report present the risk therein described (50 FR 27675).

In this notice, OSHA is responding to the EPA referral by making a preliminary determination that an OSHA standard limiting occupational exposure to MDA could sufficiently prevent or reduce the risk to exposure, and that such risk has been accurately described by EPA in its report.

II. OSHA's Evaluation; Findings

Health Effects Associated With Exposure to MDA

Both chronic and acute adverse health effects are associated with occupational exposure to MDA. The available evidence suggests that the most severe chronic effect resulting from occupational exposure to MDA is cancer. Both primary and secondary information in the record were used to estimate the risk of cancer among workers exposed to MDA. The primary information consisted of long-term animal studies and epidemiological data. The available secondary information consisted of structure-activity relationships, the results of short-term tests, pharmacokinetic studies, comparative metabolic studies, and data on other relevant toxicological responses.

The most persuasive study has been conducted by National Toxicology Program (NTP) (Ex. 18b; 18c). The study involved the oral administration of MDA dihydrocholoride in drinking water to 50 Fischer 344 rats and 50 B6C3F1 mice of each sex. Significantly increased incidences of tumors were observed in the thyroid and the liver in both sexes of both species. Cancers of the adrenal glands, lung and lymph nodes were also induced in mice and rare tumors such as transitional cell papillomas of the urinary bladder were induced in female rats. Other studies, in addition to the NTP study, have also demonstrated the induction of tumors in experimental animals (Ex. 14; Ex. 151).

In 1983, the National Institute for Occupational Safety and Health (NIOSH) conducted a Health Hazard Evaluation (the only available epidemiological study) (Ex. 232) of MDA on exposed workers employed at a helicopter manufacturing plant. This study demonstrated an association between occupational exposure to MDA and a significant proportional increase in the risk of mortality from certain site-specific cancers. NIOSH noted a significant elevation in the proportion of

deaths due to cancers of the bladder, large intestine, skin and lymphosarcoma. When proportional mortality was based only on cancer deaths, the excess of bladder cancer deaths remained significantly elevated. In addition to the bladder cancer deaths, there were two bladder cancers observed among the MDA exposed workers who were still alive.

For some time, investigators have demonstrated carcinogenicity with several analogues of the class of bis-benzenamines including MDA. These analogues induce cancer of the liver and thyroid glands of rodents.

MDA is also structurally related to benzidine, a recognized bladder carcinogen in humans (IARC, 1979). Even though the limitations of the PMR method of study are well known, the results obtained in the NIOSH epidemiological study undoubtedly heighten concern that MDA, like its analogue benzidine, may cause bladder cancer in humans.

In summary, the strongly positive results demonstrated by MDA in the NTP cancer bioassay, evidence that the structural analogues cause similar cancers in animals and that one analogue (benzidine) causes bladder cancer in humans, plus data suggesting the ability of MDA to interact with genetic material, all lead to the conclusion that this chemical is carcinogenic in animals and may be carcinogenic to humans. This conclusion is further heightened by the observation of a significant proportional increase in bladder cancer mortality as demonstrated by the NIOSH study. In animals, MDA has also been associated with neurotoxicity, potential adverse reproductive effects, and disturbances in metabolism. A characteristic acute toxic hepatitis also has been observed in several studies of workers following accidental exposure to MDA.

Quantitative Risk Assessment for MDA

Details of the data used by EPA to estimate the risks from exposure to MDA, and the conclusions based on that evidence are presented in the EPA support document "Risk Characterization for 4,4'-Methylenedianiline" (Ex. 3a, b, c). OSHA analyzed these data and the accompanying conclusions and agrees with the evaluation provided by EPA. The EPA assumptions that the risk to workers exposed under the conditions of a work place standard, based on 10 hours per week of dermal exposure and 40 hours per week of inhalation exposure at 0.001 ppm (0.008 mg/m^3) (accounting for the use of protective clothing and good industrial hygiene practices), would result in an estimated excess lifetime cancer risk of about 1 in 100,000 to about 2 in 10,000 is consistent with OSHA's findings.

OSHA adjusted the data furnished by EPA to estimate excess occupational lifetime cancer risks for workers exposed to various airborne and dermal concentrations of MDA for 8 hours per day, 5 days per week, 46 weeks per year, for 45 years starting at age 20. Total daily doses are received through inhalation, dermal exposures, or a combination of both.

Estimates based on current exposure situations indicate that workers exposed to airborne concentrations ranging from 0.57 mg/m^3 (0.07 ppm) to 0.38 mg/m^3 (0.05 ppm) and dermal exposure ranging from 9.0–250 mg/cm^2-hr demonstrate an excess cancer risk ranging from 60 to 200 extra cancer deaths per 1,000 workers.

OSHA also examined the effect that dermal exposure has on the worker. Hypothetical estimates were constructed (based on actual work place data) which assumed zero inhalation exposure. Dermal exposures ranged from 2.1 to 4.2 $\mu g/cm^2$/hr (palms of the hands). The estimated occupational lifetime excess cancer risk is 1 to 2 per 1,000 workers. Assuming zero dermal exposure and an inhalation exposure of 0.01 mg/m^3 per 8-hours per day over a 40 hour work week, the estimated excess cancer risk associated with this exposure limit would be 3 per 10,000. Estimated risks associated with other combinations of inhalation and dermal exposure were also examined (See Ex. 247).

The results of the NTP bioassay, the evidence of the NIOSH proportional cancer mortality ratio study, and the structural relationship between MDA and other recognized human carcinogens, combined with generally accepted methods of estimating human risk based on well designed and well executed animal studies, allow OSHA to make a preliminary estimate of the risks that may result from various combinations of dermal and atmospheric exposures (See Ex. 247). The results of the preliminary risk assessment indicate that MDA may present a carcinogenic risk to workers occupationally exposed and that establishing a permissible exposure limit and prohibiting dermal exposure will likely result in a significant reduction in the cancer risk.

Significance of Risk

OSHA has reviewed the toxicological and epidemiological literature and the record evidence on MDA described in the Health Effects section. The record, as summarized herein, shows that MDA exposure may be associated with a wide range of adverse health effects. The ability of MDA to induce tumors in animals, suggestive evidence that MDA may induce bladder tumors in humans, and data indicating that MDA interacts with genetic material lead to the conclusion that this chemical is an animal carcinogen and may be carcinogenic to humans. The NTP study clearly indicates that MDA is carcinogenic in both rats and mice when orally administered.

In animals, MDA has also been associated with neurotoxicity, potential adverse reproductive effects, and disturbances in metabolism. In addition, human studies strongly indicate that MDA causes a characteristic acute toxic hepatitis.

In evaluating the observed risks predicted by EPA and those anticipated by OSHA's review of the data in terms of OSHA's "significant risk" requirements. OSHA relied upon "best estimates" of current occupational levels, in that there is currently no permissible exposure limit for MDA. According to EPA data, the current atmospheric occupational exposure levels are approximately 0.05 to 0.07 ppm with dermal exposures ranging from 9.0–250 mg/cm^2-hr. A preliminary risk assessement based on the NTP Study suggests that, as these limits, there may exist an excess cancer risk ranging from 60 to 200 extra cancer deaths per 1,000 workers respectively. OSHA used these levels in examining risk rather than the existing ACGIH TLV of 0.1 ppm because some of the industry appears already to have reduced occupational exposures. However, as indicated previously, not all of the companies responded to the CMA survey and provided current exposure data. Therefore, although OSHA used "best estimates" in making baseline determinations, OSHA does realize that many of the companies providing and using MDA may be following ACGIH limits. In this case, the potential risk of cancer at 0.1 ppm (.81 mg/m^3) (inhalation only) is 20 per 1,000. Further, because there is currently no existing permissible exposure limit for MDA, there are no requirements to achieve any exposure limit. Therefore, some employers may exceed even the ACGIH limit resulting in an even greater potential risk.

OSHA will examine these permissible exposure limits in accordance with the OSH Act as interpreted by the Courts. In addition, the estimates of risk only consider the standard's exposure level and do not take into account the other

protective provisions of the standard which may be included such as respirators and medical surveillance. The decrease in risk to be achievd by these additional provisions cannot be adequately quantified beyond a determination that they will add to the protection provided by the PEL alone. Compliance with an occupational health standard which provides for medical surveillance, monitoring, recordkeeping, workpractices, use of personal protective equipment, etc., will provide protection beyond that of merely establishing a permissible exposure limit.

As a result of these preliminary assessments, the Agency has selected MDA for rulemaking. OSHA has also decided that negotiated rulemaking will be used to assist in the development of a proposed rule for MDA (50 FR 42789).

OSHA has initiated rulemaking activities which include the development of a risk assessment, a technological and economic feasibility analysis, a health effects summary, and a summary of the components needed in a proposed standard. These material is being generated for use by the Negotiated Rulemaking Committee, although OSHA also intends to utilize this information in developing a proposed ruel for MDA exposure. Furthermore, should the negotiated rulemaking process fail. OSHA intends to proceed with rulemaking under section 6(b) of the OSH Act. The following section discusses the regulatory measures that could be used to control exposure in the workplace. OSHA agrees with EPA and has concluded that workplace control methods appear both technologically and economically feasible. OSHA is considering various exposure scenarios which are discussed below.

Regulatory Approach and Feasibility

OSHA's overall analytic approach for setting worker health standards is a four step process consistent with recent court interpretations of the OSH Act and rational objective policy formulation. In the first step, quantitative risk assessments are performed where possible and considered with other relevant factors to determine whether the substance to be regulated poses a significant risk to workers. In the second step, OSHA considers which, if any, of the proposed standards being considered for the substance will substantially reduce the risk. In the third step, OSHA looks at the best available data to set the most protective exposure limit that is both technologically and economically feasible. In the fourth and final step, OSHA considers the most cost-effective way to achieve the objective. In the following sections, OSHA examines the technological and economic feasibility of extablishing a standard regulating occupational exposure to MDA. For purposes of determining the feasibility of regulating occupational exposure to MDA and to determine the likely of intended regulations, OSHA has examined five possible exposure scenarios associated with significant occupational risk which are (1) PEL-0.05 mg/m^3; (2) 0.03 mg/m^3; (3) 0.01 mg/m^3; (4) 0.001mg/m^3; and (5) do not regulate. The industries examined where surveyed to determine the baseline exposures and what controls were currently in place. Additional controls to achieve the proposed PEL's were estimated.

MDA is a large-volume industrial chemical used primarily as an intermediate in the production of polyurethane foams and other polyurethane and isocyanate-based products. About 98% of the MDA produced is used as an intermediate in the production of methlylene-bis-phenylisocyanate (MDI). The non-MDI uses include epoxy curing, urethane curing, MOCA production, Ketimine production, production of coatings for P.C. boards and aircraft parts, rubber processing chemical, Qiana^R intermediate, dyes and pigments, antioxidant in lubricating oil, corrosion inhibitor, pharmaceutical, pesticide intermediate.

MDA is normally handled as a liquid or in the form of flakes, granules, or lumps. It has an extremely low vapor pressure. Exposure usually occurs as a result of a spill or loss during handling operations such as filling or emptying of containers, rather than from the release of vapors or airborne dusts.

Local exhaust ventilation is used rather than higher volume general dilution air systems. Effective control requires minimizing air motion at the source (thermal currents, machinery motion, material motion, operator movements, room air current, etc.) and capturing the contaminants on a filter through an exhaust hood. Ideally the operation should be completely enclosed, providing access and working openings only as needed. The number of openings should be kept to a minimum and located away from the natural path of the contaminant travel.

The filing of containers (drums, barrels, bags, etc.) with dry MDA represents a potentially significant source of exposure. Both inhalation and skin contact could result from dusting and spills. Relatively standardized engineering designs and other workplace controls are available to control these problems.

The handling of dry MDA is expected to present the greatest potential source of workplace exposures. Various hooding arrangements are in use in industry to draw dust particles away from the worker during material handling operations (i.e., transport, mixing with other chemicals, and small packaging operations). One common method is the use of restricted area rooms with a slotted ventilation opening on one wall facing the wall with the door.

Personal protective equipment and workpractices will also limit employee exposure to MDA. Equipment consists of chemical splash goggles, impervious gloves, protective clothing (including footwear, and respirators. The respirator used will depend upon the concentrations to which the employee may be exposed.

Depending upon the industrial hygiene measures, protective equipment, and engineering controls being employed, risks can range from approximately 2 in 10 in uncontrolled circumstances to 3 in 100,000 in very tightly controlled circumstances. Considering that probably less than 10,000 workers are potentially exposed to MDA most for less than 40 hours per week, the actual risk will be lower.

The Agency has conducted a feasibility analysis which provides the best estimate of the costs of requiring a workplace standard throughout the industry (including capital and operating and maintenance costs for engineering controls, dermal protection, and all other compliance elements) (Ex. 248). The Agency does not anticipate that the costs of controls will have significant impact on the national economy or on small business. OSHA therefore believes that the existing manufacturing and uses of MDS present a significant risk of injury to the health of exposed workers.

Reduction of Risk to a Sufficient Extent by Action Taken Under OSH Act

Exposure to MDA appears to occur primarily in the workplace. The OSH Act is the primary statute for protecting the health and safety of workers and allows OSHA to regulate chemicals in the workplace. In this document, OSHA preliminarily has determined that the existing risks are significant and that the promulgation of a health standard regulating control to MDA will reduce these anticipated risks. Through the establishment of a permissible exposure limit which appears to be technologically and economically

feasible. OSHA can reduce the potential exposure which might occur through inhalation. Further, through the use of personal protective equipment, labeling, worker exposure monitoring, medical surveillance, and other industrial hygiene practices the exposure resulting from both inhalation and dermal absorption can be reduced.

III. Determination and Order

After careful consideration of: (1) The EPA report; (2) the relevant materials regarding occupational exposure to MDA in both the EPA and OSHA dockets; (3) the preliminary regulatory impact assessment conducted by OSHA regarding the technological and economic impact of an MDA standard; and (4) an independent risk assessment conducted by OSHA which generally confirmed EPA's estimates of risk, OSHA hereby makes the following Determination and Order:

Occupational exposure to MDA presents a significant risk to workers that can be prevented or reduced to a sufficient extent by a workplace standard promulgated and enforced by OSHA.

The above Determination and Order is issued pursuant to section 9(a) of TSCA and is based on all of the information available to OSHA at this time. However, the rulemaking authority found in section 6 of the OSH Act provides the procedures and requirements for promulgating occupational safety and health standards. These procedures and requirements allow for the development of a complete rulemaking record, affording full participation by interested parties. Nothing in this document shall serve to diminish any right, requirement, or procedure established by the OSH Act, including the right to a hearing and the obligation to base a standard on substantial evidence in the record considered as a whole.

This Notice was prepared under the direction of Patrick R. Tyson, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued pursuant to section 9(a) of the Toxic Substances Control Act (90 Stat. 2030; 15 U.S.C. 2608), and Secretary's Order No. 9–83 (48 FR 35736).

Signed at Washington, DC, this 20 day of February, 1986.

Patrick R. Tyson,

Acting Assistant Secretary of Labor.

[FR Doc. 86–4063 Filed 2–25–86; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Permanent State Regulatory Program of Indiana

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of proposed program amendments to the Indiana Permanent Regulatory Program (hereinafter referred to as the Indiana program) received by OSMRE pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The proposed amendments submitted by the State on January 31, 1986, would amend the Indiana regulations concerning civil penalties, incidental boundary revisions and use of explosives.

This document sets forth the times and locations that the Indiana program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment and information pertinent to the public hearing.

DATE: Written comments relating to Indiana's proposed modification of its program not received on or before 4:00 p.m. March 28, 1986, will not necessarily be considered.

If requested, a public hearing will be held on March 24, 1986, beginning at 10:00 a.m. at the location shown below under **"ADDRESSES."**

ADDRESSES: Written comments should be mailed or hand-delivered to: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204. Telephone: (317) 269–2600.

If a public hearing is held, its location will be at: OSMRE Indianapolis Field Office, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana; Telephone: (317) 269–2600.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 45204; Telephone: (317) 269–2600.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Indiana program, the proposed amendment, and a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSMRE office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive free of charge, one single copy of the proposed amendment by contacting the Indianapolis Field Office listed below:

Office of Surface Mining Reclamation and Enforcement, Room 5124, 1100 L Street, NW., Washington, DC 20240.

Office of Surface Minning Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana.

Indianapolis Department of Natural Resources, 608 State Office Building, Indianapolis, Indiana 46204.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanation in support of the commenter's recommendations. Comments not received by March 28, 1986 or received at locations other than the OSMRE Indianapolis, Indiana Field Office, will not be necessarily considered.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business March 18, 1986. If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSMRE officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to

do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSMRE representatives to discuss the proposed amendment may request a meeting at the OSMRE office listed in **"ADDRESSES"** by contacting the person listed under **FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Discussion of the Proposed Amendment

Information regarding the general background on the Indiana State Program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32071–32108).

On January 31, 1986, the Indiana Department of Natural Resources submitted to OSM pursuant to 30 CFR 732.17, proposed State program amendments for approval. Briefly, the proposed amendments and cities are as follows:

1. Indiana proposes to amend its requirements for when a civil penalty shall be assessed. 310 IAC 12–6–11.

2. Indiana proposes to amend its provisions for assigning points for civil penalty amount determinations. 310–IAC 12–6–12.

3. Indiana proposes to add a point system for determining the dollar amount of civil penalties according to the points assigned. 310 IAC 12–6–12.5.

4. Indiana proposes to amend its rules for permit revisions to establish which boundary revisions are incidential boundary revisions. 310 IAC 12–3–121.

5. Changes are proposed concerning pre-blast surveys in response to a required program amendment in 30 CFR 914.16(b)(1). 310 IAC 12–5–34 and 12–5–100.

6. Changes are proposed concerning use of explosives requirements in response to required program amendments in 30 CFR 914.16 (b)(2), (b)(3) and (b)(4). 310 IAC 12–5–36 and 310 IAC 12–5–101.

Pursuant to 30 CFR 732.15 and 732.17, the Director requests public comment on the adequacy of the above modifications. If the Director determines that the proposed modifications are in accordance with SMCRA and consistent with the Federal regulations, the amendment will be incorporated as part of the approved Indiana program.

Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption for sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: February 19, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services.

[FR Doc. 86–4155 Filed 2–25–86; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 935

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Ohio Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of program modifications submitted by Ohio as amendments to the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments consist of proposed changes to the Ohio regulations at 1513–3–01, 1513–3–02, 1513–3–03, 1513–3–04, 1513–3–16, 1513–3–17, and 1513–3–21. These rules govern the procedures used by the Reclamation Board of Review.

This notice sets forth the time and locations that the Ohio program and proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comment on the proposed amendments, and the procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by 4:30 p.m., March 28, 1986, will not necessarily be considered in the decision on whether the proposed amendments should be approved and incorporated into the Ohio regulatory program. If requested, a public hearing on the proposed amendments has been scheduled for March 18, 1986. Any person interested in speaking at the hearing should contact Ms. Nina Rose Hatfield at the address or telephone number listed below by March 13, 1986. If no person has contacted Ms. Hatfield by that date to express an interest in the hearing, the hearing will be canceled. If only one person requests an opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing if requested, is scheduled for 1 p.m. in Room 202, Columbus Field Office, 2242 South Hamilton Road, Columbus, Ohio 43227.

Written comments and requests for an opportunity to speak at the hearing should be directed to Ms. Nina Rose Hatfield, Field Office Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866–0578.

Copies of the Ohio program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the

OSMRE Field Office listed above and at the OSMRE Headquarters Office and the Office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Room 5124, 1100 "L" Street, NW., Washington, DC 20240

Ohio Division of Reclamation, Building B, Fountain Square, Columbus, Ohio 43224

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982, **Federal Register** (47 FR 34688). Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Ohio program can be found in August 10, 1983 **Federal Register**.

II. Submission of Revision

By letter dated January 15, 1986, Ohio submitted proposed amendments to the rules of procedures for the Reclamation Board of Review (RBR).

The proposed amendments consist of the following:

(1) Revisions to 1513-3-01 *Definitions,* "burden of persuasion" and "proffer";

(2) Revisions to 1513-3-02 *Internal regulations,* rules for a quorum, deciding tie votes, keeping records of the RBR's actions, issuance of subpoenas, and governing proceedings following amendment of the RBR's rules;

(3) Revisions to 1513-3-03 *Appearance and practice before the board,* concerning ethical standards of persons appearing before the board and representation before the RBR;

(4) Revisions to 1513-3-04 *Appeals to the RBR,* concerning identification of counsel, if counsel is used, contents of an appeal, and grounds for dismissing an appeal;

(5) Revisions to 1513-3-16 *Conduct of evidentiary hearings,* rules concerning evidence, stipulation, written testimony, witnesses, post-hearing briefs, and additional oral arguments;

(6) Revisions to 1513-3-17 *Voluntary dismissal and settlement* setting forth rules for a settlement prior to a final order by the RBR; and

(7) Revisions to 1513-3-21 *Award of costs and expenses.*

The full text of the proposed program amendments submitted by Ohio is available for public inspection at the addresses listed above. Upon request to OSMRE's Field Office Director, each person may receive, free of charge, one single copy of the proposed amendments. The Director now seeks public comment on whether the proposed amendments are no less stringent than SMCRA and no less effective than the Federal regulations. If approved, the amendments will become part of the Ohio program.

III. Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1291(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paper Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: February 19, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 86-4156 Filed 2-25-86; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-3-FRL-2974-8]

Air Quality Implementation Plans; Delayed Compliance Orders; Pennsylvania Department of Environmental Resources

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking; invitation for public comment.

SUMMARY: EPA has proposed to approve an Administrative Order issued by the Pennsylvania Department of Environmental Resources to ACF Industries Inc. The Order requires the company to bring air emissions from its two railroad car manufacturing facilities located in Milton Township, Northumberland County, Pennsylvania into compliance with certain regulations contained in the federally-approved Pennsylvania State Implementation Plan (SIP) for the control of ozone. Compliance shall be achieved by April 21, 1986 utilizing low solvent technology (LST) and April 21, 1987 should LST be abandoned and add-on controls installed. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a Delayed Compliance Order pursuant to the Clean Air Act (the Act). If approved by EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 28, 1986.

ADDRESSES: Comments should be submitted to Director, Air Management Division, EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at the EPA Region III address above during normal business hours.

FOR FURTHER INFORMATION CONTACT: James B. Topsale, P.E., Environmental Engineer, Enforcement Policy and State Coordination Section, Air Management

Division, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Telephone: (215) 597–6553.

SUPPLEMENTARY INFORMATION: ACF Industries, Inc. operates two railroad car manufacturing facilities in Milton Township, Northumberland County, Pennsylvania. The Order under consideration addresses emissions from the metal surface coating processes, which are subject to § 129.52, Miscellaneous Metal Parts and Products, of Title 25 of the Pennsylvania Code. The regulations limit the emissions of volatile organic compounds (VOC), and are part of the federally-approved Pennsylvania State Implementation Plan for the control of ozone. The Order requires final compliance with the regulation by April 21, 1986 through the use of low solvent technology (LST) and April 21, 1987 should LST be abandoned and add-on controls installed.

Because this Order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a Delayed Compliance Order under section 113(d) of the Clean Air Act (the Act). EPA has reviewed the Order and has found that the Order does satisfy the requirements of this subsection of the Act.

EPA's review indicates that the two railroad car manufacturing facilities of ACF are a major source of VOC emissions. The facility is located in the Central Pennsylvania Interstate Air Quality Control Region, essentially a non-attainment area for the National Ambient Air Quality Standard for ozone, excluding the attainment counties of Fulton, Huntingdon, Mifflin, Union, Montour, Columbia, Lycoming, and Clinton. The facility as presently constructed is unable to comply with regulations limiting emissions of VOC's codified at § 129.52 of Title 25 of the Pennsylvania Code, part of the federally-approved State Implementation Plan, because low solvent coatings are still being developed. Prior to issuance of the Order, Pennsylvania provided an opportunity for public comment and hearing on the Order. No public comments or requests for Commonwealth public hearing were received by the State. The Order contains requirements for expeditious increments of progress towards compliance and emission monitoring and reporting requirements and provides for interim emission reduction requirements as required by section 113(d)(6) of the Clean Air Act. These requirements are sufficient to avoid any imminent and substantial endangerment to health within the meaning of section 113(d)(7)(A) of the Clean Air Act. The first four increment(s) of progress, which require bimonthly progress reports, on the reformulation on low solvent coatings, have been completed. The 1984 estimated VOC emissions of 117.2 Ton/Year (T/Y) from AMCAR Division of ACF Industries and 48.4 T/Y from Shippers Division of ACF Industries will be reduced to 56.0 T/Y, and 17.9 T/Y, respectively by April 21, 1986 if low solvent coatings are chosen, but in any event no later than April 21, 1987.

The system of emissions reduction required during the period covered by this Order is the best practicable system in light of the ultimate emission reductions required for compliance with the SIP. This interim system provides substantial emission reduction in a manner which permits the Company to move toward the use of either low solvent coatings or facility alterations to install add-on control.

The Order requires the facility to comply with the State Implementation Plan whenever it is temporarily able to do so and the Order, therefore, meets the requirements of section 113(d)(7)(B). The Order notifies ACF Industries, Inc. of its liability for noncompliance penalties under section 120 of the Clean Air Act, 42 U.S.C. 7420 as required by section 113(D)(1)(E) of the Act.

If the Order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded.

If approved, the Order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the Order will not preclude assessment of any penalties under section 120 of the Act, unless the source is otherwise entitled to an exemption under section 120(a)(2)(B) or (C).

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of the Executive Order 12291.

List of Subjects in 40 CFR Part 65

Air pollution control.

Authority: 42 U.S.C. 7413, 7601

Dated: February 14, 1986.

James M. Seif,

Regional Administrator.

[FR Doc. 86–4099 Filed 2–25–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 796, 797, and 798

[OPTS–42079; FRL–2946–5]

Revision of TSCA Test Guidelines

Correction

In FR Doc. 86–625 beginning on page 1522 in the issue of Tuesday, January 14, 1986, make the following corrections:

1. On page 1523, in the second column, in the twelfth line, "(b)(1)(i)" should read "(b)(1)(ii)". In the third column, in paragraph (A), in the eleventh line, "reversibly" was misspelled.

2. On page 1524, in the second column, in the fourth line from the bottom, insert "cells/ml of" before "test".

3. On page 1525, in the first column, in the fourth line from the bottom, "or" should read "of".

4. On page 1527, in the third column, in the eleventh line from the bottom, the fourth and fifth words should read "fathead minnows".

5. On page 1528, in the second column, in paragraph (B), in the seventh and eighth lines, the formula should read "(N=30)".

6. On page 1529, in the first column, in paragraph (A), in the fifth line, "during a" should read "during the". In the third column, in amendatory instruction b, "Paragraph (b)" should read "Paragraph (d)".

7. On page 1533, in the third column, in the second paragraph (A), in the last line, the first word should read "can".

8. On page 1536, in the second column, in the sixth line from the bottom, "(d)(1)," should read "(d)(1)(ii),".

9. On page 1537, in the first column, in amendatory instruction xi, delete the word "be" in the first line. In the ninth line from the bottom, the second word should read "nasopharyngeal."

10. On page 1538, in the first column, in paragraph (A), in the tenth and fifteenth line, "trest" should read "test". In the third column, in the ninth line from the bottom, insert "in" after "shall".

11. On page 1540, in the first column, in amendatory instruction iii, in the third line, delete "A".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 412

[BERC-376-P]

Medicare Program; Payment for Indirect Costs of Medical Education

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: We propose to eliminate an inaccuracy in the application of the formula used to calculate payment for the indirect costs of medical education for hospitals under the prospective payment system. In doing so, we are not proposing to change the basic method of estimating the effect of graduate medical education on hospital operating costs.

DATE: To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on March 28, 1986.

ADDRESS: Mail comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-376-P, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC; or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC-376-P. Comments will be available for public inspection as they are received, beginning approximately three weeks after publication of this document, in Room 309-G of the Department's offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202-245-7890).

FOR FURTHER INFORMATION CONTACT: Linda Magno, (301) 594-9343.

SUPPLEMENTARY INFORMATION:.

I. Background

The Medicare program provides payment for both the direct and indirect costs of medical education incurred by teaching hospitals. The direct costs of approved medical education programs (for example, salaries for interns and residents and overhead costs) are not included in hospital-specific, regional, or national payment rates to hospitals subject to the prospective payment system, but are reimbursed on a reasonable cost basis. The special provisions governing reimbursement for the services of interns and residents appear at sections 1832(a)(2)(B)(i) and 1861(b)(6) of the Act. The indirect costs of medical education are increased operating costs, that is, patient care costs, associated with teaching programs. These increased costs may reflect a number of factors, for example, an increase in the number of tests and procedures ordered by interns and residents relative to the number ordered by more experienced physicians or the need of hospitals with teaching programs to maintain more detailed medical records.

A. The 1983 Legislation

Section 1886(d)(5)(B) of the Social Security Act (the Act) provides that prospective payment hospitals receive an additional payment for the indirect costs of medical education.

In 1983, during the debate on passage of legislation establishing the prospective payment system, Congress expressed concerns that the system not have an adverse impact on teaching hospitals. To mitigate against such an adverse impact, Congress mandated that the education adjustment factor be doubled for the purpose of determining the additional payment for the indirect costs of graduate medical education programs to hospitals. That is, except that it was multiplied by two, this factor was derived in the same manner as for the limit on hospital inpatient operating costs in effect on January, 1, 1983. The doubling was not based on any empirical evidence; rather, it was a safeguard to protect teaching hospitals from any unintended, negative effects of the prospective payment system.

Because the indirect costs of medical education are defined in terms of increased operating costs, they are not separately identifiable on the cost report or in other financial or accounting records. Rather, these incremental costs have been statistically estimated as a function of teaching intensity, and a proxy measure (the hospital's ratio of the number of interns and residents to the number of beds) has been used to measure teaching intensity. The coefficient describing this statistical relationship has been expressed as a percentage and applied as the indirect medical education factor. This factor was first used as an adjustment to the routine operating cost limits and the total operating cost limits under the reasonable cost reimbursement system. The regulations governing this matter under the prospective payment system are found at 42 CFR 412.118 (Determination of indirect medical education costs).

Currently, § 412.118(d) provides that each hospital's indirect medical education payment is determined by multiplying the following three factors:

(1) Total diagnosis-related group (DRG) revenue based on the Federal rates.

(2) A factor for each ten percent increment above zero in the hospital's ratio of full-time equivalent interns and residents to beds.

(3) An education adjustment factor, expressed as a percentage, that represents double the statistically-estimated effect of teaching activity on operating costs.

B. Disparity between hospital operating costs and Medicare payment

This proposed rule would eliminate an inaccuracy in the formula used to calculate payments for the indirect costs of medical education. The factor for indirect medical teaching costs was introduced in connection with the limits for routine inpatient operating costs and was used at the time to recognize the higher costs teaching hospitals incurred that could not be separately indentified on the cost report used for Medicare reimbursement purposes (or in other financial or accounting records). When we examine the effect of teaching intensity on hospital operating costs, we found a logarithmic relationship between costs and the measure of teaching intensity (intern and resident to bed ratio). Strictly speaking, the coefficient of the teaching intensity measure (when the antilogarithm was taken) was an exponent of the teaching intensity measure. Thus, the function that described the effect of teaching intensity on hospital costs when the teaching adjustment factor was originally developed is consistent with the one we are now proposing to apply under the prospective payment system.

Since we first used a teaching adjustment factor to recognize indirect medical education costs in connection with the hospital routine operating cost limits effective July 1, 1980, we have applied the factor as a fixed percentage add-on to a hospital's otherwise applicable cost limit or prospective payment rate. While the proportional nature of this adjustment was consistent

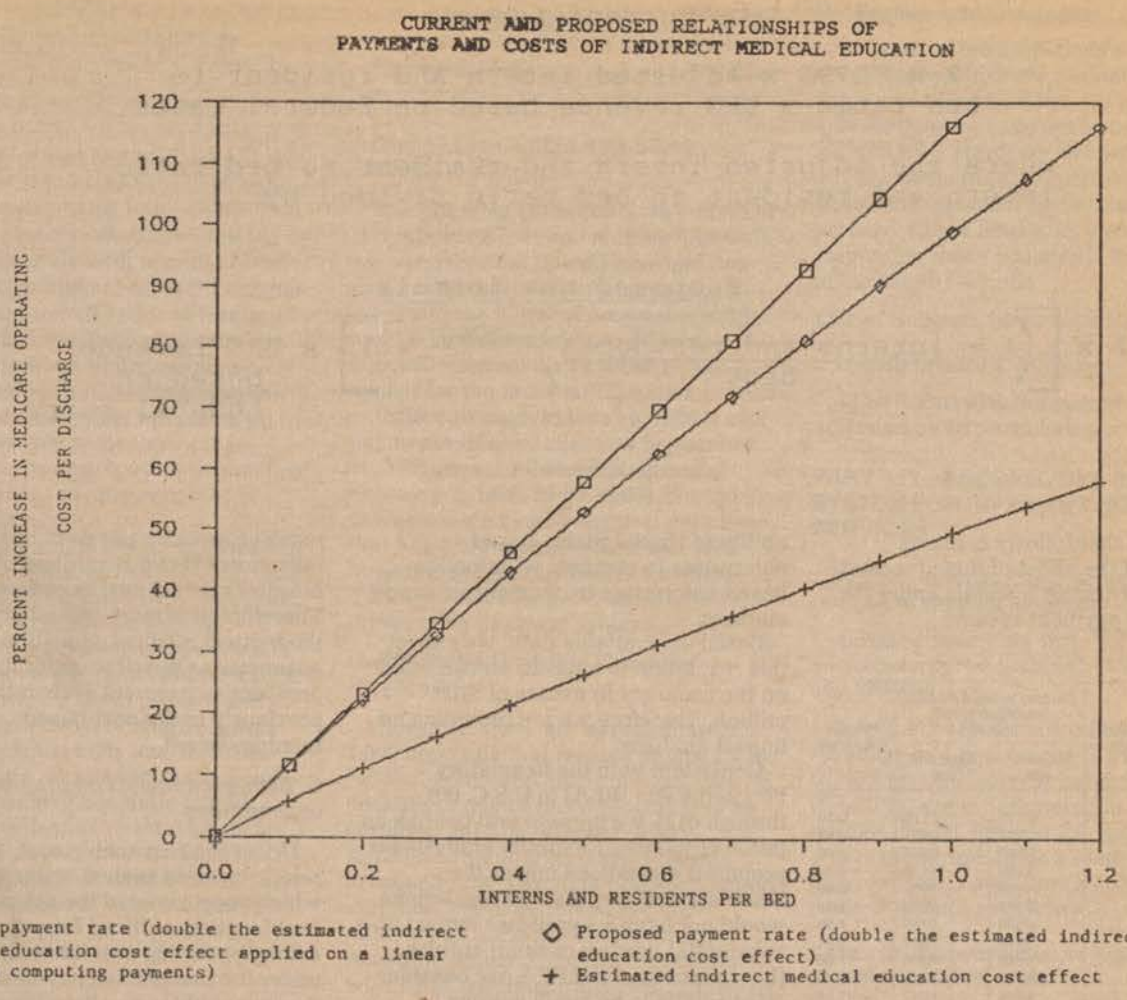
with the manner in which other adjustments for variables known to influence hospital costs were applied (for example, the wage index and the fewer covered days of care factor), the result was an overstatement in both the cost limits and prospective payment rates for the indirect effects of medical education programs. This occurred because we used the regression coefficient for the logarithm of the teaching variable incorporated in the hospital cost functions that we had developed as a constant percentage add-on for each incremental increase in the intern and resident to bed ratio, rather than as and exponent. While we believe that applying the adjustment in this manner has administrative advantages, it also had the effect of only linearly approximating the true underlying logarithmic relationship between teaching intensity and Medicare operating costs. The bias was upward and increased significantly as the intern and resident to bed ratio increased. Thus, the application of the adjustment overstated both the cost limits and the prospective payments with respect to indirect medical education costs.

The reason for this bias is that the current payment formula treats each ten-percent increment in the ratio of interns and residents to beds equally, whereas in fact the change in the teaching variable [1] from, for example, 1.5 to 1.6 is not a ten-percent increase, but rather a 6.67 percent increase [(1.6 minus 1.5) divided by 1.5], whereas the change from 1.0 to 1.1 is a ten-percent increase [(1.1 minus 1.0 divided by 1.0)]. For example, on average, the indirect medical education costs of a hospital whose ratio of interns and residents to beds is 0.5 are not five times as great as those of an otherwide similar hospital whose intern and resident to bed ratio is 0.1.

The following graph shows how Medicare operating costs increase as the intern and resident to bed ratio increases. The lowest line, representing the estimated effect of indirect medical education on hospital operating costs, demonstrates how, as the intern and resident to bed ratio increases, the Medicare operating costs per discharge also increase but at a slower rate. The estimated indirect medical education cost effect is the statistically estimated relationship between the change in the intern and resident to bed ratio and Medicare operating costs per case. The middle line, representing the proposed Medicare payment rate for the indirect cost of medical education, was derived by doubling the estimated indirect medical education cost effect represented by the lowest line. The highest line represents the current Medicare payments for the indirect costs of medical education (using double the current education adjustment factor).

[1] The teaching variable is 1.00 for non-teaching hospitals, since the variables in the hospital operating cost function are transformed to logarithms and the logarithm of zero is underfined.

For a detailed discussion of the regression analysis, see Pettengill and Vertrees, *Health Care Financing Review*, December 1982.



C. Pending Legislation

It should be noted that both houses of Congress have also concluded that the current payment formula for indirect costs of medical education results in payments that exceed the actual incremental costs of teaching hospitals and, consequently, have included in the Consolidated Omnibus Budget Reconciliation Act of 1985, H.R. 3128, a provision to lower these payments. The Conference Report accompanying H.R. 3128, H.R. Rep. No. 453, 99th Cong., 1st Sess. 456 (1985), explained that Congress intends to move from payment on a linear basis to payment on a curvilinear basis because "each increase in residents-to-bed ratio does not result in a proportional increase in costs."

That both houses of Congress have passed legislation similar to this proposal reinforces our view that it is appropriate the correct the inaccuracy in the payment formula to more realistically reflect the actual increment costs of teaching hospitals.

II. Proposed Changes

We are proposing to eliminate an inaccuracy in application of the education adjustment factor, although we are not proposing to change the basic method for estimating the statistical relationship between operating costs and teaching intensity (that is, the regression coefficient). This proposed change would have the effect of more closely reflecting the marginal contribution of increased teaching intensity to the operating costs of teaching hospitals.

We would reduce the payment for the indirect costs of graduate medical education by changing the application of the current factor used to derive the indirect medical education payment. Under the proposed revision, the payment would continue to increase as the hospital's ratio of interns and residents to beds increases, but the rate of increase would be smaller for successive equal increments in the ratio of interns and residents to beds. This means that a slightly smaller education adjustment factor would be applied to each incremental increase in the ratio. This "curvilinear" or variable application of the education adjustment factor would yield a smaller increase in payments per discharge as teaching intensity increases, thus reflecting more accurately that this indirect costs do not increase on a linear basis.

For hospital discharges on or after June 1, 1986, we propose to apply the current education adjustment factor in a corrected payment formula as follows:

Current formula-

2 x .5795 x Adjusted intern and resident to bed ratio x DRG revenue based on Federal rates

where the adjusted intern and resident to bed ratio = intern and resident to bed ratio divided by .1.

Proposed new formula

$$2 \times \left[\left(1 + \frac{\text{interns and residents}}{\text{beds}}\right)^{.5795} - 1\right] \times \text{DRG revenue based on Federal rates.}$$

The table that follows contains examples of the effect of this proposed change on teaching hospitals under the prospective payment system:

Ratio of interns and residents to beds	Doubled indirect medical education factor under—		Percent difference
	Current rule	Proposed rule	
.01	.0116	.0116	0.00
.02	.0232	.0231	0.43
.05	.0580	.0574	1.05
.10	.1159	.1136	2.02
.15	.1739	.1687	3.08
.20	.2318	.2228	4.04
.25	.2898	.2761	4.96
.30	.3478	.3284	5.91
.40	.4636	.4306	7.66
.50	.5796	.5298	9.40
.60	.6954	.6262	11.05
.70	.8114	.7200	12.69
.80	.9272	.8116	14.24
.90	1.0432	.9012	15.76
1.00	1.1590	.9886	17.24
1.25	1.4488	1.1998	20.75
1.50	1.7386	1.4012	24.08
1.75	2.0282	1.5944	27.21
1.90	2.2022	1.7068	29.03

For the purpose of clarity, we would also make several technical changes in § 412.118.

III. Regulatory Impact Analysis

A. Introduction

Executive Order 12291 (E.O. 12291) requires us to prepare and publish an initial regulatory impact analysis for any proposed regulations that are likely to meet criteria for a "major rule".

A major rule is one that would result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Based on available data, we expect this regulation to have an annual effect on the economy in excess of $100 million. Therefore we are providing an impact analysis.

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), we prepare and publish an initial regulatory flexibility analysis for proposed regulations unless the Secretary certifies that the regulations would not have a significant impact on a substantial number of small entities. (For purposes of the RFA, we consider all hospitals to be small entities.)

Since the proposed rule would affect all of the 1,035 prospective payment hospitals that receive payment for the indirect costs of Medical education, and would have an effect on payments made to those hospitals in excess of $100 million over the next five years, we are also performing a regulatory flexibility analysis.

B. Objectives

Our proposed adjustment corrects for this deficiency in the current payment formula. We believe that now is an appropriate time to initiate this refinement because the cost limits constituted only an upper ceiling on provider costs. Providers whose costs were below the limits were reimbursed their actual reasonable costs and did not receive any additional payments because of their indirect medical education adjustment. However, under the prospective payment system, the indirect medical education adjustment is an integral part of the formula for computing Medicare payment for each discharge in a teaching hospital. That is, a teaching hospital automatically receives an extra payment based on the adjustment factor regardless of the hospital's actual cost experience. Therefore, it is more crucial now that the indirect medical education factor be as precise as possible under the prospective payment system than it was previously under cost-based reimbursement.

C. Estimated impact on program expenditures

Under the reasonable cost reimbursement system, a linear formula, which approximated the actual indirect cost function, sufficed for purposes of setting operating cost limits. However, under the prospective payment system, the upward bias resulting from the current method of computing the teaching adjustment factor results in unreasonably high payments to hospitals with large teaching programs.

As a result of adopting the proposal to refine the method of computing payments for indirect teaching costs, we estimate that total payments to teaching hospitals would be reduced by the following amounts over the next five fiscal years (FYs):

Savings Estimates

Rounded to the Nearest $5 Million

FY 1986, $20; FY 1987, $120; FY 1988, $170; FY 1989, $175; FY 1990, $180; FY 1991, $200.

The expected reduction in payments to teaching hospitals will not affect all hospitals and all regions of the country equally. By using the proposed formula for computing payments for indirect teaching costs, hospitals with the most teaching activity would experience the largest reductions in their indirect medical education payments.

Hospitals with large teaching programs (teaching hospitals with an intern and resident to bed ratio of .25 or

more) would experience a reduction in their total prospective payments, including reimbursement for indirect medical education costs, of 1.55 percent while teaching hospitals with small teaching programs (teaching hospitals with an intern and resident to bed ratio of less than .25) would have their total prospective payments reduced by .17 percent. Currently, there are only 183 teaching hospitals with resident to bed ratios of .25 or higher and 852 hospitals with resident to bed ratios of less than .25. Teaching hospitals constitute less than 20 percent of all prospective payment hospitals. Teaching hospitals would have an average reduction in total prospective payments of .51 percent as a consequence of this change in payment for the indirect costs of medical education.

In addition, urban teaching hospitals with 685 beds or more would have their total payments reduced by .84 percent. In contrast, large rural teaching hospitals with 170 beds or more would have their total payments reduced by .29 percent. However, total prospective payments for rural teaching hospitals with between 100 beds and 169 beds would decline .75 percent. As a group, all urban teaching hospitals would experience a decline in total Medicare prospective payment by .51 percent, while rural hospitals would sustain an average reduction of only .33 percent.

Effect on Teaching Hospitals by Census Division

Payments to teaching hospitals in the different census divisions would be reduced under the proposed rule depending on the intensity of teaching programs in a particular census division. As previously stated, the reduction in total prospective payments to teaching hospitals across the country is approximately .51 percent. However, the average reductions in total prospective payments to teaching hospitals would range from a high of .66 percent in the Middle Atlantic census division to a low of .19 percent in the East South Central census division.

The following table shows the estimated average reduction in total payments to teaching hospitals according to census division:

Census division	Percent of decrease
New England	0.65
Middle Atlantic	0.66
South Atlantic	0.58
East North Central	0.41
East South Central	0.19
West North Central	0.36
West South Central	0.33
Mountain	0.41
Pacific	0.57
National average	0.51

Assumptions Used in Estimating Savings and Impact

In estimating savings and the effect of this proposed rule on teaching hospitals, we assumed that hospitals would be paid on the basis of the standardized rates and the blend of hospital-specific and Federal rates that would have become effective on October 1, 1985 except for the fact that Congress extended through March 14, 1986 the payments rules in effect on September 30, 1985 (see the **Federal Register** of February 3, 1986, 51 FR 4166). For these estimates, we used a hospital data base that has 5,672 hospitals and includes hospitals in Massachusetts and New York that recently have come under the prospective payment system.

D. Effects on Graduate Teaching Programs

Currently, there are approximately 1,000 hospitals that receive payments for indirect medical education costs. We do not expect any of these programs to be curtailed or to be affected in any significant manner as a result of this proposed rule. Teaching hospitals would still receive the doubled teaching adjustment, although the factor itself would be reduced slightly for hospitals with small teaching programs, and by as much as 17 percent for a hospital with an intern and resident to bed ratio equal to one. (Currently, no hospital in our data base has an intern and resident to bed ratio of one. Thus, no hospital's teaching adjustment factor would actually be reduced by 17 percent.)

The most likely consequences of the proposed rule may be in the form of altering plans hospitals may have for expanding their teaching programs. As explained elsewhere in this document, the effect of correcting the teaching adjustment payment forumla is to make curvilinear the percentage increase in the Medicare payments for the indirect costs of medical education. Therefore, as a hospital's intern and resident to bed ration increases, the factor increases, but at a diminishing rate.

E. Paperwork Reduction Act

These proposed changes would not impose information collection requirements; consequently, they need not be reviewed by the Executive Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.)

IV. Response to Comments

Because of the large number of pieces of correspondence we normally receive on proposed regulations, we cannot acknowledge or respond to them individually. However, we will consider all comments that are received by the end of the comment period and, if we proceed with a final rule, we will respond to those comments in the preamble to that rule.

List of Subjects in 42 CFR Part 412

Health facilities, Medicare.

42 CFR Part 412, Subpart H would be amended as set forth below:

PART 412—PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT HOSPITAL SERVICES

1. The authority citation for Part 412 is revised to read as follows:

Authority: Secs. 1102, 1871, and 1886 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395ww).

2. In § 412.118, the introductory language and paragraphs (a)(1), (c) and (d) are revised; current paragraphs (e), (f) and (g) are redesignated as paragraphs (f), (g), and (h), respectively; a new paragraph (e) is added; and newly redesignated paragraph (g) is revised to read as follows:

§ 412.118 Determination of indirect medical education costs.

For hospital discharges occurring on or after June 1, 1986, to determine the indirect medical education costs, HCFA uses the following procedures:

(a) *Basic data.* HCFA determines for each hospital its—

(1) Ratio of full-time equivalent interns and residents, except as limited under paragraph (g) of this section to number of beds (as determined in paragraph (b) of this section); and

* * * * *

(c) *Measurement for teaching activity.* Based on a comparison of the inpatient operating costs (as defined in § 412.2(c)) of all hospitals, HCFA statistically estimates a factor representing the effect of teaching activity on operating costs in the same manner as for the limit on hospital inpatient operating costs in effect on January 1, 1983.

(d) *Determination of education adjustment factor.* Each hospital's education adjustment factor is calculated as follows:

(1) *Step one*—A factor representing the sum of 1.00 plus the hospital's ratio of full-time equivalent interns and residents to beds, as determined under

paragraph (a)(1) of this section, is raised to an exponential power equal to the factor derived in paragraph (c) of this section.

(2) *Step two*—The factor derived from step one is reduced by 1.00.

(e) *Determination of payment amount.* Each hospital's indirect medical education payment is determined by multiplying the following two factors:

(1) *Education adjustment factor.* Twice the education adjustment factor derived in paragraph (d) of this section.

(2) *Total DRG revenue.* Total DRG revenue, as determined under paragraph (a)(2) of this section.

* * * * *

(g) *Limits on count of interns and residents.*—(1) Interns and residents who are assigned to a freestanding family practice center or an excluded distinct part hospital unit on the day that the count of interns and residents (as described in paragraph (f)(2)(i)) is made are not counted as full-time equivalents. Only the percentage of time that these interns and residents spend in the portion of the hospital subject to the prospective payment system on the day the count is made is used to determine the indirect medical education adjustment.

(2) Interns and residents in anesthesiology who are employed to replace anesthetists are not counted as full-time equivalents.

(3) For cost reporting periods beginning on or after October 1, 1985, interns and residents who are assigned to the outpatient department of the hospital on the day the count is made are subject to the provisions of paragraph (g)(1) of this section.

(4) For cost reporting periods beginning on or after October 1, 1985, the number of interns and residents assigned to ancillary departments of the hospital will be apportioned between inpatients and outpatient settings based on the ratio of each ancillary department's inpatient and outpatient charges to total department charges, respectively. In determining the indirect medical education adjustment, only that percentage attributable to furnishing inpatient services will be included in the computation of the intern and resident-to-bed ratio.

* * * * *

(Catalog of Federal Domestic Assistance Program: No. 13.773, Medicare—Hospital Insurance)

Dated: February 18, 1986.

Henry R. Desmarais,

Acting Administrator, Health Care Financing Administration.

Approved: February 19, 1986.

Otis R. Bowen, M.D.,

Secretary.

[FR Doc. 86-4146 Filed 2-21-86; 4:30 pm]

BILLING CODE 4120-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6696]

Proposed Flood Elevation Determinations; Alabama et al.

Correction

In FR Doc. 86-1073 beginning on page 2529 in the issue of Friday, January 17, 1986, make the following correction: On page 2533, in the third column, insert **"South Dakota"** before **"Custer County (Unincorporated Areas)."**

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 252

[Docket No. R-102]

Subsidized Vessels and Operators: Bulk Cargo Vessels Engaged in Worldwide Services; Operating-Differential Subsidy; Extension of Deadline for Comments

AGENCY: Maritime Administration, DOT.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On December 23, 1985, the Maritime Administration (MARAD) published in the **Federal Register** (50 FR 52338) a notice of proposed rulemaking (NPRM) proposing to amend its regulations governing the calculation and payment of operating-differential subsidy (ODS) for bulk cargo vessels engaged in world-wide services. These amendments would provide for the payment of ODS as a fixed and final daily amount encompassing all items of expense authorized by the ODS contracts.

The law firm of Kominers, Fort, Schlefer & Boyer has requested on behalf of Moore McCormack Bulk Transport, the Berger Group of Subsidized Vessels, and the Keystone Group of Subsidized Vessels, a thirty-day extension of time to file comments. It cited as the reasons for requesting an extension were the complexity of the matter, the time required to prepare a textual comparison of the existing and proposed regulations, and the difficulty in coordinating meetings among the affected subsidized operators represented by the law firm. MARAD will grant this request.

DATES: The deadline for submitting comments concerning this proposal is extended to 5 p.m. on March 26, 1986.

ADDRESS: Send original and two copies of comments to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC. 20590. To expedite review of the comments, the agency requests, but does not require, submission of an additional ten (10) copies of the comments. All comments will be made available for inspection during normal business hours at this address. Commenters wishing MARAD to acknowledge receipt should enclose a self-addressed and stamped envelope or postcard.

FOR FURTHER IMFORMATION CONTACT: Arthur B. Sforza, Director, Office of Ship Operating Costs, Maritime Administration, Department of Transportation, Washington, DC. 20590. Telephone. (202) 382-6036.

(Catalog of Federal Domestic Assistance Program No. 20804 Operating-Differential Subsidies.)

By Order of the Maritime Administrator.

Dated: February 24, 1986.

Georgia P. Stamas,

Secretary, Maritime Administration.

[FR Doc. 86-4268 Filed 2-24-86; 4:02 pm]

BILLING CODE 4910-81-M

FEDERAL MARITIME COMMISSION

46 CFR Part 552

[Docket No. 86-8]

Financial Reports of Tug and Barge Operators in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule and request for comments.

SUMMARY: The Federal Maritime Commission proposes to amend its rules governing financial reports required of vessel operating common carriers in the domestic offshore waterborne commerce of the United States. Tug and barge operators have been completing the reporting form (Form FMC-377) based on the accounts prescribed by the Interstate Commerce Commission (ICC)

for Carriers by Inland and Coastal Waterways. Since the ICC no longer requires reports from such carriers, it is necessary to define the terms used in the report form.

DATE: Comments due by March 28, 1986.

ADDRESS: Comments (original and 15 copies) to: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573.

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, (202) 523-5796.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission is required to evaluate the reasonableness of rates in the domestic offshore trades filed by vessel operating common carriers. To provide for the orderly acquisition of data essential to this evaluation, the Commission promulgated what is now 46 CFR Part 552. Tug and barge operators report the required financial and operating data on Form RMC 377, "Statements of Financial and Operating Data". It had been the policy of the Commission to base these statements on the accounts prescribed by the Interstate Commerce Commission (ICC) for Carriers by Inland and Coastal Waterways. The ICC no longer requires reports from such carriers. Consequently, Form FMC-377 will now contain a glossary.

These amendments, which do not result in any substantive modification of the financial reporting requirements, reflect new terminology and the consolidation of certain schedules and are summarized as follows:

1. *Section 552.5(o)(2)*—New terminology is used to define voyage expense

2. *Section 552.6(a)(2)*—The new basis for the Form FMC-377 is substituted for the reference to ICC accounts.

3. *Section 552.6(b)(4)*—The title is amended to reflect the consolidation of schedules A-IV(A) and A-V(A).

4. *Section 552.6(b)(6)*—The title is amended to reflect the renumbering in Item 3 above, and the term "Vessel Operating Expense" is changed to "Voyage Expense" and the term "Administrative and General Expense—Net" is changed to "Administrative and general Expense."

5. *Section 552.6(b)(7)* is deleted. This information is to be included in Schedule A-IV(A)—Other Property and Equipment.

6. *Section 552.6(b)(8)* is renumbered section 552.6(b)(7) and reference to paragraph (b)(7) is removed.

7. *Section 552.6(b)(9)* is renumbered section 556.6(b)(8) and the title and subparagraph (iii) references to Schedule A-IX(A) are changed to A-VI(A).

8. *Section 552.6(b)(10)* is renumbered section 552.6(b)(9) and the references to Schedule A-X(A) are changed to A-VII(A).

9. *Section 552.6(c)(2)*—The applicability of this provision to vessel operators is stated, and the reference to "vessel operating expense" is changed "voyage expense" in subparagraph (iii).

10. *Section 552.6(c)(3)*—The title is changed to read "Voyage Expense" and the paragraph is revised to define this term.

11. *Section 552.6(c)(9)*—The term "income" in the title and subparagraph (i) is changed to "revenue" and Schedule B-VIII(A) is renumbered to Schedule B-VII(A).

The Commission has determined that this proposed rule is not a "major rule" as defined in Executive Order 12291, February 27, 1981, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, or;

(3) Significant adverse effect on competition, employment, investment productivity, innovations, or on the ability of the United States to compete with foreign-based enterprises in domestic or export market.

The Chairman of the Federal Maritime Commission certifies that this proposed rule will not have a significant economic impact on a substantial number of small entitles, including small businesses, small organizations and small governmental jurisdictions. The primary economic impact of this rule would be on ocean common carriers which generally are not small entities. A secondary impact may fall on shippers, some of whom may be small entities, but that impact is not considered to be significant.

The collection of information requirements contained in original Part 552 were approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned control numbers 3072-0008, 3072-0029 and 3072-0030. Those requirements were submitted to OMB for an extension of clearance on January 31, 1986. The amendments in this proposed rulemaking are technical in nature and will not result in any substantive modification of the financial reporting requirements contained in the Commission's request for extension of clearance.

List of Subjects in 46 CFR Part 552

Cargo vessels, Freight, Maritime carriers, Rates and fares, Reporting and recordkeeping requirements, Uniform system of accounts.

Therefore, for the foregoing reasons, Part 552 of Title 46, Code of Federal Regulations, is proposed to be amended as follows:

PART 552—[AMENDED]

1. The Authority Citation of Part 552 continues to read:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 817(a), 820, 841a, 843, 844, 845, 845a, and 847.

2. Paragraph (o) of § 522.5 is revised to read as follows:

§ 552.5 Definitions.

* * * * *

(o) "*Voyage Expense*" means:

(1) For carriers required to file Form FMC-378: the total of Vessel Operating, Vessel Port Call and Cargo Handling Expenses less Other Shipping Operations Revenue.

(2) For carriers required to file Form FMC-377: the total of Transportation, Terminal and Traffic Expenses.

* * * * *

3. Section 552.6 is amended by revising paragraphs (a)(2), (b)(6), and the heading of paragraph (b)(4) to read as follows:

§ 552.6 Forms

(a) *General.*

(1) * * *

(2) Statements containing the required exhibits and schedules, are described in paragraphs (b), (c), (d), (e), and (f) of this section and are available upon request from the Commission. The required General Information, schedules and exhibits are contained in Forms FMC-377 and FMC-378. For carriers required to file Form FMC-378, the statements are based on the *Uniform Financial Reporting Requirements* prescribed by the Maritime Administration, U.S. Department of Transportation. For carriers required to file Form FMC-377, the statements are based on definitions contained therein. The schedules contained in these statements are distinguished from those contained in the Form FMC-378 statements by the suffix "A" (e.g., Schedule A-IV(A)).

(b) *Rate Base (Exhibits A and A(A)).*

* * *

(1)-(3)

(4) *Investment in Other Property and Equipment; Accumulated Depreciation*

Other Property and Equipment (Schedules A–IV and A–IV(A)).

* * * * *

(6) *Working Capital (Schedule A–V(A)).* Working capital for tug and barge operators shall be determined as the average monthly expense. Average monthly expense shall be equal to one-twelfth of the expense of the carrier during the relevant 12-month period, computed by adding Voyage Expense, Administrative and General Expense, Interest Expense, and Inactive Vessel Expense, each as allocated to the Trade, and dividing the total by 12.

4. Section 552.6 is further amended by removing paragraph (b)(7); redesignating paragraphs (b) (8)–(10) as paragraphs (b)(7)–(9) and revising newly redesignated paragraph (b)(7), the heading of paragraph (b)(8), paragraphs (b)(8) (iii) and (iv), (b)(9), (c)(2) introductory text, (c)(2)(iii), (c)(3), and (c)(9) to read as follows:

(7) *Property and Equipment of Related Companies.* Property and equipment of related companies used by the filing carrier in the Trade shall be reported in accordance with paragraphs (b)(1), (b)(2), and (b)(4) of this section. The cost of such assets shall be that which is recorded on the books of the related company. Where such assets are included in the rate based, the profits or losses from intercompany transactions related to such assets are to be eliminated in accordance with paragraph (c)(11) of this section.

(8) *Capitalization of Interest During Construction (Schedules A–VI and A–VI(A)).*

* * * * *

(iii) A detailed description of the interest calculations shall be submitted for each capital asset included in the rate based on the carrier in the first year of its inclusion. Such description shall be set forth on Schedule A–VI or A–VI(A), "Capitalization of Interest During Construction." Capitalized interest shall be included in the rate base when the asset is included in the rate base, in accordance with paragraph (b) of this section, and in the same allocable amounts as the asset. A schedule shall be provided each time a rate base statement is submitted, setting forth the year in which an interest calculation statement was submitted for each asset which included capitalized construction interest in the rate base.

(iv) The effects of the interest-during construction provisions shall be applicable to all work completed after December 31, 1977.

(9) *Capitalization of Leases (Schedules (A–VII and A–VII(A)).* Leased assets which are capitalized on the carrier's books and which meet the AICPA guidelines for capitalization may also be included in rate base. Schedule A–VII or A–VII(A), "Capitalization of Leases", shall be submitted setting forth pertinent information relating to the lease and the details of the capitalization schedule. Allocations to the Trade shall follow the requirements of paragraphs (b)(1) and (b)(4) of this section.

(c) *Income Account (Exhibits B and B(A)).*

(2) *Voyage expense (Schedule B–II).* This schedule shall be submitted by vessel operators for any period in which any cargo was carried in the Service. Allocations to the Trade shall be on the following basis:

(iii) Other Shipping Operations Revenue shall be deducted from Gross Voyage Expense. Other Shipping Operations Revenue should be assigned directly, to the extent possible, or otherwise allocated on the basis of cargo cube loaded and discharged at each port. Any direct assignments shall be fully set forth and explained.

(3) *Voyage Expense (Schedule B–II(A)).* This schedule shall be submitted by tug and barge operators:

(i) For all voyages in the Service, Transportation expense shall be allocated to the Trade in the cargo-cube mile or cargo-cube relationship, as appropriate. Should any elements of transportation expense be directly allocable to specific cargo, such direct allocations shall be made and explained.

(ii) Terminal and traffic expenses shall be assigned directly, to the extent possible, by ports at which incurred, to the Trade and Other Cargo, or otherwise allocated on the basis of cargo cube loaded and discharged at each port.

(iii) Where multiple barge units are towed by a single tug, voyage expense shall be allocated on the basis of the cargo-cube relationship.

(4)–(8) * * *

(9) *Other Revenue or Expense (Schedules B–VIII and B–VII(A)).*

(i) Any other elements of revenue or expense, wholly or partially applicable to the Trade, shall be fully explained by a schedule showing details of allocation.

(ii) Operating-differential subsidy refunds under section 605(a) of the Merchant Marine Act, 1936, shall not be allocated to the Trade.

* * * * *

By the Commission.

John Robert Ewers,

Secretary.

[FR Doc. 86–4036 Filed 2–25–86; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. 1

[Gen. Docket No. 85–305]

Subscription Video Services

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of Comment/Reply Comment Period.

SUMMARY: The Notice of Proposed Rulemaking in Gen. Docket 85–305, concerning the classification of subscription video services, was published in the **Federal Register** on January 15, 1986 (51 FR 1817). The National Association for Better Broadcasting requests an extension of the comment dates in that proceeding until after the Court's decision in *Telecommunications Research and Action Center et al* v. *FCC (TRAC* v. *FCC)*, concerning the classification of nonsubscription teletext. The Commission has requested a remand of that case. Under the circumstances, the Commission will extend the date for comments on the classification of nonsubscription teletext only until thirty days after the Court's decision in the Motion for Remand.

DATES: If the Court grants the motion, comments that pertain to non-subscription teletext will be due 30 days after the Court's ruling, and reply comments will be due 30 days after that comment date. Notice of the Court's ruling will be published in the **Federal Register.**

All other comments in Docket 85–305 should be filed by the originally established dates, February 28, 1986 and March 28, 1986.

ADDRESS: Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Martin Blumenthal, Office of General Counsel (202) 632–6990.

SUPPLEMENTARY INFORMATION: If the Court grants the Motion for Remand, the Commission will issue a public notice of that decision, and parties will have thirty days from the release of the Court's decision to file comments on the

classification of nonsubscription teletext.

Order

In the Matter of Subscription Video Services; Gen. Docket 85-305.

Adopted: February 14, 1986.
Released: February 18, 1986.

By the General Counsel.

1. The National Association for Better Broadcasting ("NABB") has filed a motion requesting that the Commission extend for all parties the date for filing comments in the above-captioned proceeding from February 28, 1986 to 30 days after the ruling of the United States Court of Appeals for the District of Columbia Circuit in *Telecommunications Research and Action Center, et al.* v. *Federal Communications Commission ("TRAC* v. FCC") No. 85-1160. The Commission has sought comments on the regulatory status of non-subscription teletext in the context of this docket, but only in the event the court consents to remand the pending appeal in *TRAC* v. *FCC.*

2. The court has deferred a ruling on the Commission's *Motion for Remand* in *TRAC* v. *FCC* until after oral argument, scheduled for February 20, 1986. Therefore, it is appropriate to extend the time for comments concerning non-subscription teletext until after the court rules on the Commission's *Motion for Remand.* If the court grants the motion, comments that pertain to non-subscription teletext will be due 30 days after the court's ruling and reply comments will be due 30 days after that comment date. If the court denies the motion, however, the regulatory status of non-subscription teletext will not be addressed in this proceeding unless upon further order of the Commission.

3. All comments in this proceeding that do not pertain to non-subscription teletext remain due on or before February 28, 1986.

4. Accordingly, it is ordered, that the Motion of National Association of Better Broadcasting for Extension of Time filed February 13, 1986 is granted in part and otherwise denied.

Jack D. Smith,

General Counsel.

[FR Doc. 86-4086 Filed 2-25-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-66; RM-4802]

FM Broadcast Station in Sierra Vista, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allotment of noncommercial educational FM Channel 210A to Sierra Vista, Arizona, as requested by the Shiloh Educational Broadcasting Foundation, and requests infomation regarding interference to TV Channel 6 in Tucson, Arizona.

DATES: Comments must be filed on or before April 14, 1986, and reply comments on or before April 29, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner or Stanley Schmulewitz, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Proposed Rule Making

In the Matter of Amendment of § 73.504(a), Table of Allotments, Noncommercial Educational FM Broadcast Stations (Sierra Vista, Arizona); MM Docket No. 86-66, RM-4802.

Adopted: January 29, 1986.
Released: February 20, 1986.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed on behalf of Shiloh Educational Broadcasting Foundation ("petitioner") requesting the allotment of Channel 210A to Sierra Vista, Arizona, as that community's first local noncommercial educational FM service. In accordance with Commission policy, petitioner indicates that it will apply for the channel if its proposal is adopted.

2. A staff engineering study reveals that Channel 210A can be allotted to Sierra Vista in conformity with the minimum distance separation requirements of §§ 73.207 and 73.504 of the Commission's Rules, provided a site restriction 2.1 kilometers southeast of the community is imposed to avoid short-spacing to Station KUAT-FM (Channel 213), Tucson Arizona. Moreover, since the proposal is located within 320 kilometers (199 miles) of the common U.S.-Mexico border, the Commission must obtain approval by the Mexican government to the proposed allotment.

3. Due to the proximity of Station KUAT-TV (Channel 6), Tucson, Arizona petitioner is requested to submit showings relating to television Channel 6 interference protection, in accordance with the standards set forth in Section 73.525 of the Commission's Rules, (*Memorandum Opinion and Order* adopted June 20, 1985, Docket No. 20735). Such showings should describe the extent of predicted interference to Station KUAT-TV, and the proposed remedial measures.

PART 73—[AMENDED]

4. In light of the above, the Commission believes it is appropriate to seek comments on the proposal to amend the Noncommercial Educational FM Table of Allotments, § 73.504(a) of the Commission's Rules, with regard to Sierra Vista, Arizona, as follows:

City	Channel No.	
	Present	Proposed
Sierra Vista, Arizona		210A

5. It is ordered, that the Secretary of the Commission shall send a copy of this *Order* to the licensee of Station KUAT (TV), at the address listed below, to provide it an opportunity to respond accordingly. Arizona Board of Regents, Modern Language Building, University of Arizona, Tucson, Arizona 88721.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

7. Interested parties may file comments on or before April 14, 1986, and reply comments on or before April 29, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: F. Joseph Brinig, Fortas and Hardman, 1200 29th Street, NW., Washington, D.C. 20007-3385, (counsel for petitioner).

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Noncommercial Educational FM Table of Allotments, § 73.504(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not*

Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner or Stanley Schmulewitz, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communication Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the noncommercial educational FM Table of Allotments, § 73.504(a) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceedings, and Public Notice to this effect will given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 86–4087 Filed 2–25–86; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 86–64; RM–5010]

FM Broadcast Station in Auberry, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to allot FR Channel 286B1 to Auberry, California, as that community's first local service, in response to a petition filed by Eric R. Hilding.

DATES: Comments must be filed on or before April 14, 1986, and reply comments on or before April 29, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Auberry, California); MM Docket No. 86–64, RM–5010.

Adopted: January 29, 1986.

Released: February 20, 1986.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by Eric R. Hilding ("petitioner") seeking the allotment of Channel 286B1 to Auberry, California, as that community's first local service. Petitioner has failed to state specifically that he will apply for the channel and should correct that deficiency in his comments herein.

2. A staff engineering study has determined that Channel 286B1 can be allotted to Auberry, California, consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. Since the proposal could provide a first local service to Auberry, the Commission believes it is appropriate to propose amending the FM Table of Allotments, § 73.202(b) of the

Commission's Rules with regard to that community, as follows:

City	Channel No.	
	Present	Proposed
Auberry, California		286B1

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

PART 73—[AMENDED]

5. Interested parties may file comments on or before April 14, 1986, and reply comments on or before April 29, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows Eric R. Hilding, P.O. Box 1300, Freedom, California 95019–1300.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in section 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out is § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC

[FR Doc. 86–4089 Filed 2–25–86; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–61; RM–4970]

FM Broadcast Station in Valley Springs, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: Action taken herein proposes the allotment of Channel 259A to Valley Springs, California, as that community's first local FM broadcast service, in response to a petition filed by Eric R. Hilding.

DATES: Comments must be filed on or before April 14, 1986, and reply comments on or before April 29, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions

authorizing or interpreted or applied by specific sections are cited to text.

Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Valley Springs, California); MM Docket No. 86-61, RM-4970.

Adopted: January 29, 1986.
Released: February 19, 1986.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by Eric R. Hilding ("petitioner") requesting the allotment of Channel 259A to Valley Springs, California, as that community's first local FM service. Petitioner failed to specifically indicate that he will apply for the channel, if allotted. He should do so in his comments to this *Notice*.

2. A staff engineering study reveals that Channel 259A can be allotted to Valley Springs, California, consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules, provided the transmitter is sited approximately 12.6 kilometers (7.8 miles) northeast of the community to avoid co-channel interference to Station KYUU(FM) (Channel 259), San Francisco, California.[1] Due to the substantial site restriction involved in this proposal, petitioner must demonstrate in his comments that he could indeed provide the required 70 dBu city grade signal over Valley Springs.

PART 73—[AMENDED]

3. In view of the fact that Valley Springs could receive a first local FM broadcast service, the Commission believes it is appropriate to seek comments on the proposal to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Valley Springs, California		259A

4. As indicated above, it is ordered, That the Secretary shall send a copy of this *Notice* by certified mail, return receipt requested, to the Mt. Bullion, California, applicants for Channel 260, as follows:

AJB Broadcasting, Inc., 7564 Buckingham, Clayton, Missouri 63105
New Life Enterprises, Inc., 3636 N. First, Suite 142, Fresno, California 93726
Edward E. Abramson, Rte. 2, Box 96, Chico, CA 95926
Mount Bullion Community Broadcasting, Inc., P.O. Box 1300, Freedom, CA 95019
Rosalie Lopez Bustos, 3430 Jefferson Avenue, Redwood City, CA 94062
Peter E. Baird P.O. Box 2631 Livonia, MI 48151

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before April 14, 1986, and reply comments on or before April 29, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Eric R. Hilding, P.O. Box 1300, Freedom, California 95019-1300.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions

[1] We note that the proposal herein is short spaced to all applications for Channel 260 at Mt. Bullion, California. However, the proposal is not deficient to the Mt. Bullion center city coordinates. Accordingly, a copy of this *Notice* will be served on the applicants to afford them an opportunity to comment on the proposal.

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of §1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 86-4088 Filed 2-25-86; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-65; RM-5138]

FM Broadcast Station in Havelock, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: Action taken herein proposes the substitution of FM Channel 286C2 for Channel 285A at Havelock, North Carolina, and the modification of Station WMSQ (FM)'s license to specify operation on the higher powered channel, at the request of Musicradio of North Carolina, Inc. The new allocation could provide expanded service to the Havelock area.

DATES: Comments must be filed on or before April 14, 1986, and reply comments on or before April 29, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Havelock, North Carolina); MM Docket No. 86-65, RM-5138.

Adopted: January 29, 1986.
Released: February 20, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the petition for rule making submitted by Musicradio of North Carolina, Inc. ("petitioner") requesting the substitution of FM Channel 286C2 for Channel 285A at Havelock, North Carolina, and modification of its license for Station WMSQ(FM) to specify operation on the higher powered channel.

2. Channel 286C2 can be allocated to Havelock in compliance with the Commission's minimum distance separation requirements if the transmitter site is restricted to an area at least 16.7 kilometers (10.4 miles) southeast to avoid a short-spacing to Station WDCG at Durham, North Carolina.[1] Petitioner believes that a suitable site is available within this restricted area. Petitioner states that the public interest would benefit from the substitution of channels as it could provide Havelock and nearby Cherry Point Military Reservation with a first wide coverage area FM service.

3. In accordance with Commission policy, we shall propose to modify the license of Station WMSQ(FM) to specify operation on the new channel. However, pursuant to § 1.420(g) of the Commission's Rules, modification of the license may not be imlemented if another party expresses an interest in the proposes allotment unless an additional equivalent channel is available for Havelock.[2] See *Modification of FM and TV Station Licenses*, 98 F.C.C. 2d 916 (1984). See also *Notice of Propsed Rule Making*, MM Docket No. 85-313, which proposed to make adjacent channel upgrades, such as this one, without requiring the showing of the availability of a second equivalent channel.

[1] The use of Channel 286C2 at Havelock originally conflicted with the petition of Marine Broadcasting Corporation seeking the substitution of Channel 287C2 for its present Channel 288A at Jacksonville, North Carolina. However, the Jacksonville upgrade required the deletion of newly allocated Docket 84-231 channels at Wilmington and Fairbluff, North Carolina. Marine's petition has been dismissed as unacceptable since it did not comply with the compelling showing of need or Commission error required for the deletion of a Docket 84-231 channel. See *Memorandum Opinion and Order*, 50 FR 47391, published November 18, 1985. Marine Broadcasting Corporation has filed a petition for reconsideration of the dismissal.

[2] Petitioner states that additional Class C2 channels are available for allocation at Havelock.

PART 73—[AMENDED]

4. We believe the public interest would be served by proposing the channel substitution as it could provide Havelock with expanded FM service. Accordingly, we propose to amend the FM Table of Allotments, § 73.202(b) of the Rules, for the community listed below, to read as folllows:

Channel No.	City	Proposed
	Present	
Havelock, North Carolina	285A	286C2

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before April 14, 1986, and reply comments on or before April 29, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: James A. Koerner, Esq., Baraff, Koerner, Olender & Hochberg, P.C., 2033 M Street, NW., Suite 203, Washington, D.C. 20036 (counsel to petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings,

such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the noncommercial educational FM Table of Allotments, § 73.504(a) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in ititial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceedings, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than than, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the committees involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied be a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 86-4090 Filed 2-25-86; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-67; RM-5070]

FM Broadcast Station in Georgetown, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein, at the request of Werlinger Communication Company, proposes the allotment of Channel 299A to Georgetown, Texas, as that community's second FM service.

DATES: Comments must be filed on or before April 14, 1986, and reply comments on or before April 29, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, Georgetown, Texas; MM Docket No. 86-67 and RM-5070.

Adopted: January 29, 1986.
Released: February 20, 1986.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by Werlinger Communication Company ("petitioner"), seeking the allotment of Channel 299A to Georgetown, Texas, as that community's second FM service. Petitioner has expressed an intention to apply for the channel.

2. The channel can be allotted in compliance with the Commission's minimum distance separation requirements with a site restriction 8.0 kilometers (5.0 miles) north of the community. This site restriction is necessary to avoid short spacing to Station KBUC-FM, Channel 298, San Antonio, Texas.

PART 73—[AMENDED]

3. In view of the fact that Georgetown, Texas, could receive its second local FM service, the Commission finds it would be in the public interest to seek comments on the proposal to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Georgetown, Texas	244A	244A, 299A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before April 14, 1986, and reply comments on or before April 29, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Don Werlinger, Werlinger Communication Company, 602 Stueve Lane, Lockhart, Texas 78644.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 86–4092 Filed 2–25–86; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–60; RM–5152]

FM Broadcast Station in Huntington, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein, at the request of Robert D. Tindle, proposes the allotment of Channel 270A to Huntington, Texas, as that community's first FM service.

DATES: Comments must be filed on or before April 14, 1986, and reply comments on or before April 29, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, Huntington, Texas; MM Docket No. 86–60 and RM–5152.

Adopted: January 29, 1986.

Released: February 19, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition for rule making filed by Robert D. Tindle ("petitioner"), seeking the allotment of FM Channel 297A to Huntington, Texas, as that community's first FM service. Although

the petitioner submitted information in support of the proposal he failed to express an intention to apply for the channel, if allotted. Therefore, he is requested to do so in his comments.

2. Also pending before the Commission is a proposal requesting Channel 297C2 as a substitute for Channel 257A at Whitehouse, Texas (RM–5243). However, Channel 297 cannot be allotted consistent with the minimum spacing requirements to Huntington and Whitehouse. Therefore, in order to resolve the conflict between the instant request and RM–5243, we have determined that Channel 270A can be allotted to Huntington in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules. Therefore, we will herein propose the allotment of Channel 270A to Huntington, Texas.

PART 73—[AMENDED]

3. In view of the fact that the proposed allotment could provide a first FM channel to Huntington, the Commission proposes to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, for the following community:

City	Channel No.	
	Present	Proposed
Huntington, Texas		270A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before April 14, 1986, and reply comments on or before April 29, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Eugene T. Smith, 715 G Street, SE., Washington, DC 20003 (Counsel for petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau (202) 634–6530. However, member of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §§ 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 86–4091 Filed 2–25–86; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 86–62; RM–5149]

TV Broadcast Station in Bishop, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of UHF television Channel 20 to Bishop, California, as that community's first local commercial television service, in response to a petition filed by Pappas Telecasting Inc.

DATES: Comments must be filed on or before April 14, 1986, and reply comments on or before April 29, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations, Bishop, California; MM Docket No. 86–62 and RM–5149.

Adopted: January 29, 1986.
Released: February 19, 1986.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by Pappas Telecasting, Incorporated ("petitioner"),[1] seeking the reassignment of UHF television Channel 61 from Porterville to Bishop, California, as that community's first local commercial television service. Petitioner indicates that it will apply for the channel, if assigned.

2. Bishop (population 3,333),[2] in Inyo County (population 17,895), is located in east central California, approximately 145 kilometers (90 miles) northeast of Fresno, California. Currently educational Channel *14 (vacant) is assigned to Bishop.

3. Petitioner advises that Bishop is located near serveral resort areas, and as such, has a diversity of services available to fulfill the needs of its many tourists. In further support of its proposal, petitioner asserts that the origninal proponent for the Porterville channel assignment has since died, thus rendering it unlikley that the channel will be applied for there in the near future.

4. We believe the petitioner has demonstrated the need for a commercial television channel at Bishop. However, we do not believe the public interest would be served by reassigning Channel 61 to Bishop since the effective date of the assignment to Porterville occurred approximately seven months ago. Therefore, in an effort to accommodate petitioner's proposal, a staff engineering study reveals that Channel 20 can be assigned to Bishop consistent with the minumum distance separation requirements of §§ 73.610 and 73.698 of the Commission's Rules. We believe our proposed action can satisfy both the petitioner's demonstrated need and its expressed interest in constructing and operating a commercial television station at Bishop. Accordingly, on our own motion, we will propose to substitute Channel 20 at Bishop.

5. Although petitioner has stated an intention to apply for an authorization on Channel 61, in light of our action herein, it is requested to specify in its comments that it will now apply for Channel 20 at Bishop, if it is assigned.

PART 73—[AMENDED]

6. In view of the above, we believe it is appropriate to seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Bishop, California	*14–	*14–, 20+

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest in required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 14, 1986, and reply comments on or before April 29, 1986, and are advised to read the Appendix for the proper Procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows:

Richard Hildreth, Esquire, Frank R. Jazzo, Esquire, Fletcher, Heald and Hildreth, 1225 Connecticut Avenue, NW., Suite 400, Washington, DC 20036 (Counsel for petitioner).

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46b F.R. 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Cmmunications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Propoed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly.

[1] Petitioner is the licensee of Station KMPH(TV), Visalia, CA.

[2] Population figures were extracted from the 1980 U.S. Census.

Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 86-4093 Filed 2-25-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Part 242

Department of Defense Federal Acquisition Regulation Supplement Contracting Officer Determination Procedures

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: The Defense Acquisition Regulatory Council is considering the promulgation of a new rule in Part 242 of the DoD FAR Supplement. The purpose of this rule is to implement paragraphs 2324(f) (2), (3), and (4) of section 911 of the FY 1986 DoD Authorization Act (Pub. L. 99-145).

DATE: Comments on the proposed rule should be submitted in writing to the DAR Council at the address shown below no later than 28 March 1986, to be considered in the formulation of the final rule. Please cite DAR Case 85-269 in all correspondence related to this issue.

ADDRESS: Interest parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, ODASD(P)/DARS, c/o OASD(A&L), Room 3C841, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, (202)697-7268.

SUPPLEMENTARY INFORMATION:

A. Background

Paragraphs 2324(f) (2), (3) and (4) of section 911 of the FY 1986 DoD Authorization Act (Pub. L. 99-145) established procedures to be followed by DoD contracting officers in determining allowability of cost rates. The Defense Acquisition Regulatory Council is considering changes to the DoD FAR Supplement, Section 242.705-1, Contracting Officer determination procedures, to implement the above-cited statute. These proposed changes will provide clarifying instructions to contracting officers with respect to determination procedures in the resolution of questioned costs. In addition, a requirement is included for the contracting officer to notify the contractor of the specific costs which were disallowed.

These proposed changes do not have a significant effect beyond the internal operating procedures of the Department of Defense and are therefore not required, by Pub. L. 98-577, to be published for public comment. However, any comments submitted by the date shown above will be considered in the promulgation of a final rule.

B. Regulatory Flexibility Act.

As the proposed coverage is not required to be published for public comment pursuant to Pub. L. 98-577, the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) does not apply.

C. Paperwork Reduction Act Information

The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 242

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Therefore, it is proposed that 48 CFR Part 242 be amended as follows:

PART 242—CONTRACT ADMINISTRATION

1. The authority citation for 48 CFR Part 242 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

2. Section 242.705-1 is amended by adding paragraph (b)(5)(i) to read as follows:

242.705-1 Contracting Officer determination procedure.

* * * * *

(b)(5)(i) The Contracting Officer shall:

(A) Not resolve any questioned costs until he has obtained—

(1) Adequate documentation with respect to such costs; and

(2.) The opinion of the defense contract auditor on the allowability of such costs;

(B) Ensure that the defense contract auditor, to the maximum extent practicable, is present at any negotiation or meeting with the contractor regarding a determination of final indirect cost rates of the contractor;

(C) Ensure that all categories of costs designated in the report of the defense contract auditor as questioned with respect to a proposal for settlement be resolved in such a manner that the amount of the individual questioned costs that are considered allowable will be reflected in the negotiation memorandum; and

(D) Notify the contractor which individual costs were considered

unallowable and the respective amounts of the disallowance.

[FR Doc. 86-4232 Filed 2-25-86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 677

Bering Sea King Crab Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of change of date for a public hearing.

SUMMARY: In reference to a notice of a public hearing that was published February 20, 1986, the North Pacific Fishery Management Council and the Alaska Board of Fisheries hearing date on crab proposals has been changed and the room where the hearing will be held has been added. All other information given in the hearing notice published February 20, 1986, is correct.

FOR FURTHER INFORMATION CONTACT: Jim Glock, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907-274-4563.

In FR Doc. 86-36512 appearing on page 6151 in the issue of February 20, 1986, the following changes are made:

1. Under the **"DATE"** heading, the date, "March 7, 1986," is corrected to "Saturday, March 1, 1986."

2. Under the **"ADDRESS"** heading, the hearing will be held in the auditorium of the Northwest and Alaska Fisheries Center, 7600 Sand Point Way NE, Seattle, Washington.

Dated: February 24, 1986.

Richard B. Roe,

Director, Office Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-4277 Filed 2-24-86; 4:45 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 38
Wednesday, February 26, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 21, 1986.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Agricultural Marketing Service

M.O. 929 Cranberries Grown in states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York
Not agency forms but committee forms
Recordkeeping; on occasion; annually
Businesses or other for-profit; 1,400 responses; 641 hours; not applicable under 3504(h)
Jay Guerber, (202) 475–5992

New

- Agricultural Stabilization and Conservation Service

Form CRP–1, Conservation Reserve Program Contract and 7 CFR Part 704 Conservation Reserve Program (CRP) Regulations
CRP–1
Recordkeeping; On occasion; Annually
Individuals or households; State or local governments; Farms; 40,000 responses; 3,333 hours not applicable under 3504(h)
Jack Webb, (202) 447–6825

Revision

- Farmers Home Administration

7 CFR 1980–B, Guaranteed Farmers Program Loans
FmHA 449–11, 449–12, 1980–15, –24, –25, –38, –58
On occasion
Individuals or households; State or local governments; Farms; Businesses or other for-profit; 52,790 responses; 46,125 hours; not applicable under 3504(h)
Pandor Hadjy, (202) 475–4017

- Farmers Home Administration

Borrower Acknowledgement of Notice of intent to Take Adverse Action and Agreement for the Use of Proceeds/ Release of Chattel Security and/or Farm Income
FmHA 1924–26, 1962–1
On occasion
Individuals or households; Farms; 220,000 responses; 65,400 hours; not applicable under 3504(h)
John Gleason, (202) 382–1642

- Farmers Home Administration

7 CFR 1980–A
FmHA 449–14, –30, –35, –36, 1980–19, –41, –43, –44
On occasion
Businesses or other for-profit; 29,356 responses; 45,127 hours; not applicable under 3504(h)
Pandor Hadjy, (202) 475–4017

Reinstatement

- Food and Nutrition Service

7 CFR Part 235—State Administrative Expense Funds (Reporting)
Monthly; Semi-annually; Annually
State or local governments; 2,008 responses; 6,491 hours; not applicable under 3504(h)
Marian Stroud, (703) 756–3600.

Jane A. Benoit,

Departmental Clearance Officer.

[FR Doc. 86–4152 Filed 2–25–86; 8:45 am]

BILLING CODE 3410-01-M

CIVIL RIGHTS COMMISSION

Minnesota Advisory Committee; Agenda Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 9:00 p.m. on March 10, 1986, at the Hennepin County Government Center, Commissioners Conference Room, 300 S. 6th Street, Minneapolis, Minnesota. The purpose of the meeting is to conduct a community forum on civil rights, focusing on the affirmative action plans for the State, the cities of St. Paul and Minneapolis, and the counties of Hennepin and Ramsey.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Talmadge Bartelle or Clark Roberts, Director of the Midwestern Regional Office at (312) 353–7371, (TDD 312/886–2188). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 21, 1986.

Yvonne E. Schumacher,

Program Specialist for Regional Programs.

[FR Doc. 4065 Filed 2–25–86; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Foreign Fishing Vessel Permit Application
Form Number: Agency—NOAA 88–120; OMB—0648–0089
Type of Request: Required to obtain or retain a benefit
Burden: 1,200 respondents; 360 reporting hours
Needs and Uses: Information is used to determine if permits should be issued to foreign vessels for fishing in U.S. waters. The information is also used for enforcement purposes.
Affected Public: Businesses or other for-profit institutions
Frequency: Annually
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Office: Sheri Fox, 395–3785

Agency: National Oceanic and Atmospheric Administration
Title: Survey of Inshore Shrimp Fishery in the Gulf of Mexico
Form Number: Agency—N/A; OMB—N/A
Type of Request: New collection
Burden: 300 respondents; 460 reporting hours
Needs and Uses: The information collected will be used to refine management strategies for the Gulf of Mexico shrimp fishery.
Affected Public: Businesses or other for-profit institutions, small businesses or organizations
Frequency: One background interview and semi-monthly intercept survey
Respondent's Obligation: Voluntary
OMB Desk Office: Sheri Fox, 395–3785

Agency: National Oceanic and Atmospheric Administration
Title: Scientific Research/Public Display Permit Application
Form Number: Agency—N/A; OMB—0648–0084
Type of Request: Extension of the expiration date
Burden: 75 respondents; 2,175 reporting hours
Needs and Uses: Information is used to determine if permits should be issued for scientific research and/or public display of animals protected under the Marine Mammal Protection Act, the Endangered Species Act and the Fur Seal Act.
Affected Public: Individuals on households, state or local governments, businesses or other for-profit institutions, non-profit institutions, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Office: Sheri Fox, 395–3785

Agency: International Trade Administration
Title: Application for the President's "E" or "E Star" Awards for Export Expansion
Form Number: Agency—ITA 725P; OMB—0628–0065
Type of Request: Extension of the expiration date
Burden: 100 respondents; 2,000 reporting hours
Needs and Uses: In 1961 Executive Order 10978 established Presidential awards for significant contributions to the export expansion program. The application form is the vehicle used to evaluate candidates for the awards.
Affected Public: State or local governments, farms, businesses or other for-profit institutions, non-profit institutions, small businesses or organizations.
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Office: Sheri Fox, 395–3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: February 20, 1986.

Edward Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86–4131 Filed 2–25–86; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

[A–122–004]

Steel Reinforcing Bars From Canada; Final Results of Antidumping Duty Administrative Review and Revocation in Part

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review and revocation in part.

SUMMARY: On April 26, 1985 the Department of Commerce published preliminary results of its administrative review and a tentative determination to revoke in part the antidumping finding on steel reinforcing bars from Canada. The review covered the only manufacturer covered by this finding, Western Canada Steel Limited, and the two other known exporters to the United States of this merchandise manufactured by Western Canada Steel Limited and the period April 1, 1983, through March 31, 1984.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results and tentative determination to revoke in part. We received no comments. We also determined that there were no shipments of this merchandise to the United States by Western Canada Steel Limited during the period April 1, 1984, through the date of the tentative determination to revoke in part. We advised all interested parties that there were no shipments and we provided an additional opportunity to comment. Again, we received no comments. In accordance with § 353.53a(a) of the Commerce Regulations, Western Canada Steel Limited requested that we complete the administrative review for that firm. Based on our analysis, the final results of our review for that firm are the same as the preliminary results, and we revoke the finding for merchandise manufactured and exported to the United States by Western Canada Steel Limited.

EFFECTIVE DATE: February 26, 1986.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2923/3601.

SUPPLEMENTARY INFORMATION:

Background

On April 26, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 16529) the preliminary results of its administrative review and tentative determination to revoke in part the antidumping finding on steel reinforcing bars from Canada produced by Western Canada Steel Limited (29 FR 5341, April 21, 1964). The preliminary results covered Western Canada Steel Limited and the two other known exporters to the United States of this merchandise

manufactured by Western Canada Steel Limited and the period April 1, 1983, through March 31, 1984. The tentative determination to revoke applied to merchandise produced and exported by Western Canada Steel Limited. In accordance with §353.53a(a) of the Commerce Regulations, Western Canada Steel Limited requested that we complete the administrative review for that firm. The Department has now completed the administrative review for that firm.

Scope of the Review

Imports covered by the review are shipments of steel reinforcing bars from Canada, currently classifiable under items 606.7900 and 606.8100 of the Tariff Schedules of the United States Annotated.

The review covers Western Canada Steel, Ltd., the only manufacturer of Canadian steel reinforcing bars to the United States covered by this finding, and the period April 1, 1983, through April 26, 1985.

Final Results of Review and Revocation in Part

We gave interested parties an opportunity to submit oral or written comments on the preliminary results and tentative determination to revoke in part. We received no comments. We also determined that there were no shipments of this merchandise to the United States by Western Canada Steel Ltd. during the period April 1, 1984, through April 26, 1985, the date of the tentative determination to revoke in part. We advised interested parties that there were no shipments and we provided and additional opportunity to comment. Again, we received no comments. Based on our analysis, the final result of our review are the same as those presented in the preliminary results of review with respect to Western Canada Steel Ltd.

For the reasons set forth in the preliminary results, we are satisfied that there is no likelihood of resumption of sales at less than fair value by Western Canada Steel Ltd. Accordingly, we revoke in part the antidumping finding on steel reinforcing bars from Canada. This partial revocation applies to all unliquidated entries of this merchandise manufactured and exported by Western Canada Steel Ltd. entered, or withdrawn from warehouse, for consumption on or after April 26, 1985. The Department shall instruct the Customs Service not to assess antidumping duties on all appropriate entries.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 6.40 percent shall be required on all shipments of Canadian steel reinforcing bars manufactured by Western Canada Steel Ltd. and exported by firms remaining in the finding. This deposit requirement is effective for all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next requested administrative review.

This administrative review, partial revocation, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)), §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a; 50 FR 32556, August 13, 1985; 353.54).

Dated: February 18, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary Import Administration.

[FR Doc. 86-4133 Filed 2-25-86; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of an export trade certificate of review.

SUMMARY: The Department of Commerce has issued an amended export trade certificate of review to U.S. Export & Trading Company (USEXP). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register.** Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

(a) High-impact ultraviolet-resistant polyvinyl chloride (UVR-PVC) irrigation pipes, fittings, and related products (the "Products").

(b) High-impact ultraviolet-resistant polyvinyl chloride (UVR-PVC) resin compounds (the "Compounds").

Export Trade Facilitation Services (as They Relate to the Export of Goods and Services)

Export Trade Services include consulting; international market research; product research and design exclusively for export; transportation, including trade documentation and freight forwarding; communication and processing of foreign orders; foreign exchange; financing and collection; and taking title to goods in connection with the foregoing Compounds and Products.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

To engage in the Export Trade in the Export Markets, USEXP may:

(a) Enter into an agreement with each Supplier to serve as that Supplier's sales representative in the Export Markets by providing Export Trade Services. Each agreement may provide that:

(1) The Supplier agrees not to sell, directly or through any intermediary other than USEXP, into the Export Markets, nor to any purchaser in the United States for resale in the Export Markets; and/or

(2) The Supplier agrees to authorize USEXP to appoint, after consultation with and approval by the Supplier, exclusive agents and distributors ("distributors") in the Export Markets.

(b) Enter into agreements with distributors in the Export Markets that USEXP will not sell into a territory in the Export Markets assigned to a distributor except through that distributor nor sell to any purchaser in the United States for resale in the distributor's assigned territory.

(c) Independently or with each Supplier individually,

(1) Establish prices at which the Supplier's Products and/or Compounds will be sold in the Export Markets,

(2) Establish quantities of the Supplier's Products and/or Compounds will to be sold in the Export Markets, and/or

(3) Allocate territories or customers among distributors in the Export Markets.

(d) Enter into agreements with foreign buyers in the Exports Markets by which USEXP will be the buyer's exclusive or non-exclusive supplier of Products and/or Compounds and the technology to make Products from the Compounds. Such agreements may include price, quantity, territory and/or customer restrictions for the Export Markets on the sale in the Export Markets of the Products, Compounds and/or Products made from the Compounds.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230.

Dated: February 20, 1986.

James V. Lacy,

Director, Office of Export Trading Company Affairs.

[FR Doc. 86-4157 Filed 2-25-86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

ADA Board; Meeting Location Change

AGENCY: Ada Joint Program Office.

ACTION: Change in location of meeting.

SUMMARY: On Wednesday, January 29, 1986, a notice of meeting was published in the **Federal Register** (51 FR 3643). The location of the meeting is changed as follows: Radisson Mark Plaza Hotel, 5000 Seminary Road, Alexandria, Virginia. All other information remain unchanged.

Dated: February 21, 1986.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-4184 Filed 2-25-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Air Force Activities for Potential Conversion to Contract

ACTION: Notice.

The Air Force recently announced that the Rivet Mile Cycle II function will be evaluated for possible conversion to contract. This activity is to undergo a cost comparison to determine whether in-house or contract operations is more economical at Malmstrom AFB, MT; Whiteman AFB, MO; Minot AFB, ND; Ellsworth AFB, SD; Grand Forks AFB, ND; and F.E. Warren AFB, WY.

FOR FURTHER INFORMATION CONTACT: Mr. Steely, HQ AFLC/MP (Contracting Office), Wright-Patterson AFB OH 45433, telephone (513) 257-6005.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-4067 Filed 2-25-86; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

February 18, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Appropriate Air Force Technology Efforts to Complement the Strategic Defense Initiative (SDI) Program will conduct a closed meeting at the Pentagon, Washington, DC, on March 12, 1986, from 8:30 am to 5:00 pm and on March 13, 1986 from 8:30 am to 3:30 am.

The purpose of the meeting will be to receive classified briefings on Air Force space programs related to the Strategic Defense Initiative.

The meeting concerns matters listed on section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-4147 Filed 2-25-86; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

February 18, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee to Review Options/Technology for Reliable Identification of Airborne Targets beyond Visual Range in Combat will conduct a closed meeting at the Pentagon, Washington, DC, on March 13-14, 1986, from 8:30 am to 5:00 pm.

The purpose of the meeting will be to examine possible solutions to the problem of positive target identification beyond visual range.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-4148 Filed 2-25-86; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Privacy Act of 1974; Addition of Systems of Records

AGENCY: Department of the Navy, DOD.

ACTION: Notice of addition of systems of records.

SUMMARY: The Department of the Navy proposes to add four new systems of records in its inventory of systems of records subject to the Privacy Act of 1974. One of which is an exempted system.

DATES: The proposed actions will be effective without further notice March 28, 1986, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the system manager identified in the particular system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (Op-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-2000, telephone: (202) 694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 98-579 were published in the **Federal Register** as follows:

FR Doc 85-10237 (50 FR 22735) May 29, 1985
FR Doc 85-16564 (50 FR 28442) July 12, 1985
FR Doc 85-20719 (50 FR 35290) August 30, 1985
FR Doc 85-21577 (50 FR 36914) September 10, 1985
FR Doc 85-30596 (50 FR 52997) December 27, 1985.

A new system report as required by 5 U.S.C. 552a(o) of the Privacy Act was submitted on January 24, 1986. Record system identified as N05300-3 is an

exempted system under the provision of 5 U.S.C. 552a(k)(5) of the Privacy Act.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 21, 1986.

N01500-8

SYSTEM NAME:

Personnel and Training Evaluation Program Automated System.

SYSTEM LOCATION:

Strategic Systems Programs Office, Navy Department, Washington, DC 20376.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted technicians who have been trained to operate and maintain the Strategic Weapon System on Fleet Ballistic Missile Submarines. These individuals are identified by a Navy Enlisted Classification Code in the series 3301-3349.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, social security number, NEC codes, current duty station and projected rotation date, duty station assignment history, Armed Services Vocational Aptitude Battery or Basic Test Battery scores, completion data for Navy schools, civilian education, promotion history (present and past rate), enlistment data (dates of service entry and expiration of enlistment/extension), patrol experience and scores on the Personnel and Training Evaluation Program examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To maintain a data base which will permit the Strategic Systems Programs Office to record achievement test scores of enlisted members who operate and maintain the Strategic Weapon System on Fleet Ballistic Missile Submarines. This information will be used to assess the adequacy of training received and the need for additional training.

Internal Navy users: Director, Strategic Systems Programs, Chief of Naval Technical Training and assigned schools, Type Commanders and assigned units in the performance of their duties relating to training on the Strategic Weapon System. Commander, Naval Military Personnel Command and Type Commanders and assigned units in the performance of their duties related to personnel assignment. Navy Personnel Research and Development Center who may, from time to time, validate service selection criteria for the DOD. It may be provided to such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING/ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on computer media, disks or magnetic tape. Hard copy reports are distributed to authorized user activities. These reports are stored in notebooks or file folders in drawers, cabinets or other filing equipment.

RETRIEVABILITY:

SSN, name and duty station.

SAFEGUARDS:

Access is provided to authorized personnel only on a "need-to-know" basis. Records are maintained in controlled access rooms or areas. Computer terminal access is controlled by terminal identification and password. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring is the responsibility of the systems manager.

RETENTION AND DISPOSAL:

Records are retained for five years after an individual leaves the Fleet Ballistic Missile program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Training Systems Branch, Strategic Systems Programs, Navy Department, Washington, DC 20376.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requester should provide his/her full name, social security number and military duty status. Visitors should present military identification card, civilian drivers license or other similar identification.

RECORD ACCESS PROCEDURE:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, their supervisors, Naval Military Personnel Command, schools assigned to the Chief of Naval Technical Training.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N03900-1

SYSTEM NAME:

Naval Air Test Center Technology Data File.

SYSTEM LOCATION:

Office of Staff Assistant for Research and Technology, Naval Air Test Center, Patuxent River, Maryland 20670. Included in this notice are those records duplicated for maintenance at a site closer to where the technical specialists and technology representatives work.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military technical managers, directors, technical directors, chief test pilots, chief engineers, program managers, department heads, department chief engineers, technical specialists and technicians who work at the Naval Air Test Center (NAVAIRTESTCEN). It also includes personnel who are considered a technical resource by directorate management.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, date of birth; status (military or civilian); classification (i.e., GS-0855/12/05 for civilians or 06/1510 for military); formal education; technical courses/operational training; test and evaluation, research and development, and military experience; current RDT&E activity contacts; membership in professional organizations and societies; level of responsibility in NAVAIRTESTCEN organization; organizational code; office telephone number; naval aviation technology preference and a listing of any unique technical skills, experience or knowledge the individual may possess.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To develop an on-line information network which provides project personnel a means to fully exploit NAVAIRTESTCEN technical resources and provide technical managers a real-time assessment of NAVAIRTESTCEN technical depth in the areas of education, training, experience and professional interface associated with emerging naval aviation technologies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Users that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICE FOR STORING, RETRIEVING/ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk and hard-copy forms.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

During working hours the NAVAIRTESTECEN staff building is open to official visitors and civilian, military and contractor personnel employed by NAVAIRTESTECEN. After working hours the building is secured. Access to the staff building after working hours can only be obtained by securing assistance from the base Command Duty Officer. The system is protected by the following software features: user identification number, password sign-on and procedure name.

RETENTION AND DISPOSAL:

Records are retained in the current data base until he/she is no longer an employee of NAVAIRTESTECEN. When an employee leaves NAVAIRTESTECEN, the record is removed from the current data base. After ten years, the record will be erased from tape.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Assistant for Research and Technology, Naval Air Test Center, Patuxent River, MD 20670.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

All data contained in the NAVAIRTESTECEN Technology Data File is obtained from the individuals in the data file. Data is collected by means of an annual questionnaire.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05300-3

SYSTEM NAME:

Faculty Professional Files.

SYSTEM LOCATION:

Superintendent, Naval Postgraduate School, Monterey, CA 93943-5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Faculty personnel employed by the Naval Postgraduate School and individuals applying for positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Faculty academic promotion/tenure case evaluation files and faculty professional status and accomplishment file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

Records are used by Department Chairmen, Deans, and the Superintendent to determine the ranking, promotion, tenure, reappointment and evaluation of faculty personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To potential/future employers who inquire concerning a faculty member's qualifications, status and accomplishments and who have an interest in hiring the member.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICE FOR STORING, RETRIEVING/ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

During work hours, records are secured within locked file drawers within departmental offices to which only authorized personnel have access. After working hours, records are kept within locked files drawers within secured offices located within a locked building which is part of a naval facility to which entry is restricted.

RETENTION AND DISPOSAL:

Records are retained during the faculty member's period of employment. Records are destroyed upon termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Provost, Code 01, Naval Postgraduate School, Monterey, CA 93943-5100.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from previous employers, education background, correspondence, peer evaluations, supervisory evaluations and student evaluations of teaching.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system are exempt under 5 U.S.C. 552a(k)(5).

N5300-6

SYSTEM NAME:

Armed Forces Staff College Administrative Data System.

SYSTEM LOCATION:

Armed Forces Staff College (AFSC), 7800 Hampton Blvd., Norfolk, VA 23511–6097.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have attended or will attend AFSC and those who are assigned to staff or faculty at AFSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name; SSN; age; sex; service specialty; engineering, logistics, or intelligence experience; rank; work room assignment; marital status; spouse's name; number, names and ages of dependents; seminar assignments; date or rank; years commissioned service; aero rating; Vietnam experience; smoker indicator; source of commission; examination results; education level; auditorium seat; address and telephone number of student while attending course; next duty assignment; major writing exercise grade; and recommendation for faculty assignment. The data items maintained on the historical file are name, SSN, military service, class number, major writing exercise grade, and recommendation for future faculty assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSES(S):

To maintain a data base that will permit the Armed Forces Staff College to keep track of student's examinations, evaluations and grades; to assign base housing; to achieve a uniform distribution of students at seminars based upon student's experience and military service affiliation; and to maintain a historical file of recommendations for future faculty assignments of students.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICE FOR STORING, RETRIEVING/ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and hard copy forms.

RETRIEVABILITY:

AFSC users obtain information by means of standard reports or update programs.

SAFEGUARDS:

Access to building is protected by uniformed guards who require positive identification for admission after hours. System information is protected by port access restrictions and user password sign-on software.

RETENTION AND DISPOSAL:

The record of an individual in the current class is retained on disk and will be available for on-line access. Student information is kept in a historical file for all past classes. The historical file is also retained on disk and will be available for on-line access. An individual's class record will be retained for one year after graduation and then destroyed. There are currently no plans to discard the historical file information.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Naval Administrative Command, and Dean, Department of Academic Support, Armed Forces Staff College, 7800 Hampton Blvd., Norfolk, VA 23511–6097.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by a commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies and from the individual's seminar chairman.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 86–4185 Filed 2–25–86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

Grants, Availability, etc.; Bilingual Education—State Educational Agency Program

AGENCY: Department of Education.

ACTION: Application Notice for New Awards under the Bilingual Education: State Educational Agency Program for Fiscal Year 1986.

Programmatic and Fiscal Information

Applications are invited for new projects under the Bilingual Education: State Educational Agency Program.

The purpose of the awards is to provide financial assistance to State educational agencies (SEAs) to collect, aggregate, analyze, and report data and information on each State's population of limited English proficient persons, and the educational services provided or available to those persons. The program further provides assistance for activities designed to improve the effectiveness of programs for limited English proficient persons in their States.

State education agencies (SEAs) are eligible for assistance under the State Educational Agency Program. It is expected that approximately $4,785,000 will be available for this program for fiscal year 1986.

An award to an SEA shall not be less than $50,000 nor greater than 5 percent of the aggregate amount paid to local educational agencies within the State under Part A of Title VII during fiscal year 1985.

These estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Applications will be approved for a period of one year.

Closing Date for Transmittal of Applications

Applications for new awards must be mailed or hand delivered on or before April 14, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: CFDA No. 84.003Q, 400 Maryland Avenue, SW., Washington, DC 20202.

Applications that are hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets, SW Washington, DC.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC time) daily, except Saturdays, Sundays, and Federal holidays.

Each late applicant will be notified that its application will not be considered.

Applicable Regulations

Regulations applicable to this program include the following:

(a) The regulations in 34 CFR Parts 500 and 548.

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR 74, 75, 77, 78, and 79.

Intergovernmental review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Immediately upon receipt of this notice, applicants must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by June 13, 1986, to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.003Q), 400 Maryland Avenue, SW, Washington, DC 20202.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

Application Forms

Application forms and program information packages are expected to be available by February 28, 1986.

These may be obtained by writing to Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Luis A. Catarineau, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, DC 20202. Telephone: (202) 245–2922.

Program authority: 20 U.S.C. 3242.

(Catalog of Federal Domestic Assistance Number 84.003, Bilingual Education)

Dated: February 21, 1986.

Carol Pendas Whitten,

Director, Office of Bilingual Education, and Minority Languages Affairs.

[FR Doc. 86–4142 Filed 2–25–86; 8:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

Grants, Availability, etc.; School Construction in Areas Affected by Federal Activity

AGENCY: Department of Education.

ACTION: Application Notice for Transmittal of Applications for Increase Periods Ending June 1986 or June 1987.

Programmatic and Fiscal Information

Notice is given that the Secretary of Education has established a cutoff date for the transmittal of applications for increase periods ending June 1986 or June 1987 for assistance under sections 5 and 9 of Pub. L. 81–815. (An increase period is a period of four consecutive regular school years during which a school district has experienced a substantial increase in school membership as a result of new or increased Federal activities.) This cutoff date also applies to applications for new projects under section 14 of Pub. L. 81–815, and to new applications for supplemental assistance under section 8 of Pub. L. 81–815. (Section 14 authorizes assistance for certain school districts which serve children residing on Indian lands, or which are significantly burdened by the presence of nontaxable Federal property. Section 8 authorizes assistance that supplements certain awards made under sections 5, 9, and 14 of Pub. L. 81–815.)

Approval of these applications is subject to availability of funds.

Federal funds are provided for the construction or temporary provision of urgently needed minimum school facilities in school districts which have had substantial increases in school membership of children who reside on Federal property or reside with a parent who is either in the Uniformed Services of the United States or who is employed on Federal property. Federal funds are provided for construction of needed minimum school facilities in school districts which serve children residing on Indian lands, or which are significantly burdened by the presence of nontaxable Federal property.

Cutoff Date for Transmittal of Applications

Applications for new awards must be mailed or hand delivered on or before June 30, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, 400 Maryland Avenue, SW., Room 2107A, Washington, DC 20202–6272.

Each late applicant will be notified that its application will not be considered.

Applications that are hand delivered must be taken to the U.S. Department of Education, Room 2107A, 400 Maryland Avenue, SW., Washington, DC.

A hand-delivered application will be accepted between 8:00 a.m. and 4:30 p.m. (Washington, DC, time) daily, except Saturdays, Sundays, and Federal Holidays.

Applicable Regulations

Regulations applicable to this program inlcude the following:

(a) The regulations governing the School Construction Program (34 CFR Part 221).

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 79).

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes developed by State and local government coordination and review of proposed Federal financial assistance.

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's

process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by August 29, 1986 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.040), 400 Maryland Avenue, SW., Washington, DC 20202.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

Application Forms

Application forms and program information packages are available. These may be obtained from the appropriate State educational agency which serves the applicant local educational agency.

FOR FURTHER INFORMATION CONTACT: Dr. Walter Steidle, School Construction Program, Division of Impact Aid, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2069, Washington, DC 20202-6272 Telephone: (202) 245-8412.

Program authority: 20 U.S.C. 631-647.

(Catalog of Federal Domestic Assistance No. 84.040, School Assistance in Federally Affected Areas—Construction)

Dated: February 21, 1986.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 86-4143 Filed 2-25-86; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

Guaranteed Student Loan Program and PLUS Program

AGENCY: Department of Education.

ACTION: Notice of Special Allowance for Quarter Ending December 31, 1985.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP) or the PLUS Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087-1). Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087-1(b)(2)(B), for the quarter ending December 31, 1985, the special allowance will be paid at the following rates:

	Applicable interest rate (percent)	Annual special allowance rate (percent)	Special allowance rate percent for quarter ending Dec. 3, 1985
GSLP loans or PLUS loans made prior to Oct. 1, 1981.	7	4.00	1.00
	9	2.00	0.50
GSLP loans or PLUS loans made on or after Oct. 1, 1981.	7	3.88	0.97
	8	2.88	0.72
	9	1.88	0.47
	12	0.00	0.00
	14	0.00	0.00

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate by making the following four calculations:

(a) *Step 1.*

Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies.

(b) *Step 2.*

Subtract from that average the applicable interest rate (7, 8, 9, 12, or 14 percent) of loans for which a holder is requesting payment;

(c) *Step 3.*

(1) Add 3.5 percent to the remainder; and

(2) In the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent;

(d) *Step 4.*

Divide the resulting percent in Step 3 (either (c)(1) or (c)(2), as applicable) by four.

FOR FURTHER INFORMATION CONTACT: Nancy Eakin, Program Specialist, or Ralph Madden, Acting Chief, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245-2475.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: February 21, 1986.

C. Ronald Kimberling,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 86-4144 Filed 2-25-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

District Heating and Cooling Systems: Extension of Closing Date for Applications

AGENCY: Department of Energy.

ACTION: Extension of Solicitation Number DE-PSOI-86CE26546.

New Closing Date: The date by which applications must be received has been extended from February 28, 1986 by four weeks until March 28, 1986. Applications must be received by 4:30 p.m. local prevailing time on that date.

Synopsis of Solicitation: Solicitation is for grant applications for the purpose of assessing the potential for using District Heating and Cooling (DHC) systems in communities where such systems could substantially increase the efficiency of energy delivery and/or substitute abundant and renewable resources for the use of scarce premium fuels while enhancing the economic viability of the community.

Written requests for solicitation should be sent to: U.S. Department of Energy, Office of Procurement Operations, Forrestal Building, Room IJ-005, 1000 Independence Ave., SW., Washington, DC. 20585, Attn.: Document Control Specialist, MA-451.1.

Point of contact: Lynn Warner, telephone number (202) 252-1061.

Issued in Washington, D.C. on February 21, 1986.

Edward T. Lovett,

Director, Contract Operations Division "B" Office of Procurement Operations.

[FR Doc. 86-4192 Filed 2-25-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 86-10-NG]

NATGAS (U.S.) Inc.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for blanket authorization to import natural gas from Canada for short-term and spot sales.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department

of Energy (DOE) gives notice of receipt on February 10, 1986, of an application filed by Natgas (U.S.) Inc. (Natgas), an affiliate of Pan-Alberta Gas Ltd. (Pan-Alberta), for a blanket authorization to import up to 730 Bcf for a two-year period beginning on the date of first delivery. The gas would be supplied by Pan-Alberta or other Canadian suppliers and sold on a short-term or spot basis to U.S. purchasers, including gas distribution companies, pipelines, electric utilities, and industrial or agricultural users. Natgas would also act as a broker or agent on behalf of U.S. purchasers and/or Canadian suppliers. The specific terms of each import and sale would be negotiated on an individual basis including the price and volumes. Natgas proposes to make quarterly reports to the ERA.

The application is filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on March 28, 1986.

FOR FURTHER INFORMATION CONTACT:

Norman Breckner, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–9482;

Michael T. Skinker, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures: In response to this notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–076–A, RG–23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. They must be filed no later than 4:30 p.m. e.s.t., March 28, 1986.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Natgas' application is available for inspection and copying in the Natural Gas Division Docket Room, GA–076, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on February 20, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86–4189 Filed 2–25–86; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–C&E–86–32]; OFP Case No. 61059–9312–20–24]

Acceptance of Petition for Exemption and Availability of Certification by Champlin Energy Co. & South Coast Energy Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification by Champlin Energy Company & South Coast Energy Company.

SUMMARY: On February 3, 1986, Champlin Energy Company & South Coast Energy Company (Champlin—South Coast or CSC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for their Harbor Cogeneration Project which is jointly owned by CSC a wholly owned subsidiary of Southern California Edison located in Wilmington, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in certain new powerplants and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person

may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification, as well as other documents and supporting materials on this proceeding, is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E–190, Washington, D.C. 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any extension, together with a statement of reasons therefor, would be published in the Federal Register.

DATES: Written comments are due on or before April 14, 1986. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Office of Fuels Programs, Room GA–045, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585.

Docket No. ERA–C&E–86–32 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA–045, Washington, D.C. 20585, Telephone (202) 252–8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone (202) 252–6947.

SUPPLEMENTARY INFORMATION: The principal purpose of the proposed facility is the generation of steam for enhanced oil recovery. The Harbor Cogeneration Project will occupy an area of approximately 450 x 250 feet and be located on the Champlin Petroleum Company Wilmington Oil Field property.

The Harbor Cogeneration Project will be designed to produce approximately 500 $\times$ 10^6 Btu per hour of 80% quality process steam at approximately 1,000–1,600 psig and 546 °F to 606 °F and to generate approximately 80 MW of electric power. The steam will be used for thermally enhanced oil recovery.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibition of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), CSC has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of oil or natural gas and an alternate fuel for the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), CSC has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environment impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the Federal Register as soon as possible. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that CSC is entitled to the exemption requested.

That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on February 20, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86–4193 Filed 2–25–86; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–85–033; OFP Case No. 66019–9293–01, 02–12]

Order Granting to Pennwalt Corp. an Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting to Pennwalt Corporation an exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted to Pennwalt Corporation (Pennwalt) a permanent site limitation exemption for a major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), for a facility to be located in Riverview, Michigan. The exemption granted permits the use of natural gas as the primary energy source for its proposed gas-fired boilers.

The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: The order and its provisions shall take effect on April 27, 1986.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E–190, Washington, D.C. 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Myra L. Couch, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA–045, Washington, D.C. 20585, Telephone (202) 252–6769

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone (202) 252–6947.

SUPPLEMENTARY INFORMATION: The proposed MFBI would consist of two Babcock & Wilcox type boilers with a rated output of 120,00 lb/hr steam at 450 psig each. The new boilers will be installed in Pennwalt's West Plant which is in Riverview, Michigan.

Pennwalt has certified that due to the specific physical limitation enumerated below, the criteria for a permanent

exemption provided for in 10 CFR 503.33(a) are satisfied. Included in the petition is a description of the physical limitations of the plant that are relevant to the location and operation of the new facility. Evidence of the limited space at and around the site for the planned facility were furnished.

Use of coal for this facility at this site is not feasible. The primary barriers to the use of coal at this site is the size and location of the facility. A coal-fired facility was evaluated for the site, including equipment for coal receiving, coal handling, ash collection, water treatment, boilers and auxiliary equipment. It was determined that no location could reasonably be found to provide adequate space for coal-fired configuration.

Pennwalt certified that:

1. The site limitation criteria contained in 10 CFR 503.33(a) are satisfied by the boilers for which exemption is sought and the plant where they will be installed;

2. The mixtures use criteria set forth in 10 CFR 503.9(a) are satisfied by the boilers for which the exemption is sought and the plant at which it will be installed.

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to the proposed facility in the **Federal Register** on October 25, 1985 (50 FR 43435), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act.

During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed December 9, 1985; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Order Granting Permanent Site Limitation Exemption

Based upon the entire record of this proceeding, ERA has determined that Pennwalt has satisfied the eligibility requirements for the requested exemption as set forth in 10 CFR 503.33. Therefore, pursuant to section 212(a) of FUA, ERA hereby grants a permanent site limitation exemption to Pennwalt to permit the use of natural gas as the primary energy source for its boilers to be located in Riverview, Michigan.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this action may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register**.

Issued in Washington, D.C. on February 19, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-4194 Filed 2-25-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-027; OFP Case No. 55338-9288-20-24]

Order Granting to Willamette Industries, Inc., Exemption From Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting to Willamette Industries, Inc., exemption from Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Willamette Industries, Inc. (Willamette or "the petitioner"), of Oxnard, California. The permanent cogeneration exemption permits the use of natural gas as the primary energy source for a planned Port Hueneme facility. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: The order shall take effect on April 27, 1986.

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION:

Frank Duchaine, Coal & Electricity Division, Office of Coal and Electricity Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-045, Washington, DC 20585, Telephone (202) 252-8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: The proposed cogeneration project for the Port Hueneme site will supply 100% of the steam required for the paper machine and the other mill systems. It will also supply all of the mill's electrical needs with surplus electrical generation being sold to the utility grid.

The Port Hueneme paper mill is located in Oxnard, California, and is one of four mills in Willamette that produce paper.

The project site will be within the confines of the Port Hueneme mill plant site which is located at the southwest edge of the city along the ocean coast.

The installation proposed will be a simple topping cycle cogeneration facility, incorporating a dual pressure waste heat boiler to gain maximum heat recovery efficiency. The flue gases will be treated in two steps. First, steam is injected to reduce NO_x to 75 PPM. Second, a selective catalytic reductor will reduce NO_x to 15 PPM. The waste heat boiler exhaust gases are then further utilized to heat process water and displace the need for the hot air generated in the present vapor absorption system, thereby eliminating the need for natural gas in these areas.

Power will be produced in a simple topping cycle facility with a gas turbine directly driving the electrical generator. No secondary generation through a combined cycle steam turbine is planned at this time. The permit to operate is based on the gas turbine being operated at its full ISO load rating of 21.8 MW. However, the project will be originally operated at a lessor rate to be in balance with the mill's current steam and electrical constraints.

The gas turbine is designed for a dual fuel capability (natural gas and No. 2 distillate). However, for air quality and economic reasons the special fuel burning nozzles and other equipment required to burn distillate fuel were not purchased and the system will burn only

natural gas. At full ISO rating the amount of gas consumed will be 230.1 MMBtu/hr. At the initial startup load of 18.0 MW the turbine will consume 190.9 MMBtu/hr.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including Willamette's certification to ERA, in accordance with 503.37(a)(1), that:

1. The oil or natural gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(a)(1)(i); and

2. The use of a mixture of natural gas and coal or oil and coal in the cogeneration facility will not be technically feasible, in accordance with 10 CFR 503.37(a)(1)(ii).

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on September 20, 1985 (50 FR 38161), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on November 4, 1985; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that Willamette has satisfied the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to Willamette to permit the use of natural gas as the primary energy source for its cogeneration facility in Oxnard, California.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, D.C. on February 13, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-4195 Filed 2-25-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CI86-19-003]

Amoco Production Co.; Application for Modification of Order Permitting and Approving Limited-Term Abandonments and Granting Certificates

February 20, 1986.

Take notice that on February 11, 1986, Amoco Production Company (Amoco), pursuant to section 7 of the Natural Gas Act (NGA), 15 U.S.C. 717f, and Parts 154 and 157 of the Federal Energy Regulatory Commission's (Commission) regulations thereunder (18 CFR Parts 154 and 157), filed an application requesting that in Docket No. CI86-19-000 the Commission modify Paragraph (A) of its Order Permitting And Approving Limited-Term Abandonments and Granting Certificates issued November 1, 1985 by substituting March 31, 1987 for March 31, 1986 therein, all as more fully shown in the application which is on file with the Commission and open to public inspection.

Amoco states that the circumstances that called forth Amoco's application filed on October 16, 1985 and supported issuance of the Commission's November 1, 1985 Order will continue past the March 31, 1986 termination date prescribed in Paragraph (A) of the November 1, 1985 Order to at least until March 31, 1987. If the limited-term abandonment and certificate authorization granted by the November 1, 1985 Order is extended past March 31, 1986, Amoco states that it could continue existing spot market sales and make additional sales.

Any person desiring to be heard or to make any protests with reference to said application should on or before March 10, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-4176 Filed 2-25-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF86-411-000]

The City of St. Marys, West Virginia; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 10, 1986.

On January 17, 1986, the City of St. Marys (Applicant), Town Hall, St. Marys, West Virginia 26170 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 40 megawatt hydroelectric facility is located on the Ohio River, in Pleasants County, West Virginia.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-4179 Filed 2-25-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI86-198-000]

Exxon Corp.; Application for Limited-Term Certificate of Public Convenience and Necessity With Pre-Granted Abandonment

February 20, 1986.

Take notice that the Applicant listed herein has filed an application pursuant to Section 7 of the Natural Gas Act for authorization to sell gas in interstate commerce as described herein.

The circumstances presented in the application appear to meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order Nos. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protests with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI86-198-000, Feb. 7, 1986	Exxon Corporation, P.O. Box 2180, Houston, Texas 77252-2180.	UER Marketing Company, High Island Block A-570 Field, Offshore Texas.	(1)	

[1] Pursuant to the expedited procedures set forth in § 2.77 of the Commission's rules, Applicant requests that it be issued a Limited-Term Certificate with Pre-Granted Abandonment authorizing it to sell NGPA section 102(d) gas under a Gas Purchase Contract dated September 1, 1985, for a term through November 27, 1987. Applicant was previously granted authorization in Docket No. CI82-001 by order issued November 27, 1985, to abandon sales for a two-year term of production from the subject blocks not purchased by United Gas Pipe Line Company. The abandonment application in Docket No. CI82-4-001 was filed under the expedited procedures established in Order No. 436. Therefore, Applicant requests that this related certificate application be considered on on expedited basis.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-4177 Filed 2-25-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. SA86-6-000]

Home Petroleum Corp.; Petition for Adjustment

Issued Febrary 20, 1986.

Take notice that on November 26, 1985, Home Petroleum Corporation (Home Petroleum) filed a petition with the Commission for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978, requesting an extension of time within which to make Btu refunds required under Commission Order Nos. 399, 399-A and 399-B.

Home Petroleum states that on October 7, 1985, Tennessee Gas Pipeline Corporation requested it to calculate the amounts owed to Tennessee pursuant to the Commission's Btu refund order. Home Petroleum maintains that in all other instances where refunds have been required, the purchaser has made the calculation and that it was unprepared for Tennessee's request. Home Petroleum has requested Tennessee's assistance in making the calculation.

The procedures applicable to the conduct of this proceeding are set forth in Rules 1101-1117 [Subpart K] of the Commission's rules of practice and procedure. Any person desiring to participate in this proceeding must file a motion to intervene in accordance with Rule 1105. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-4178 Filed 2-25-86; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 7563-005, et al.]

Hydroelectric Applications; South Fork II, Inc., et al.

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Application: Transfer of License.

b. Project No: 7563-005

c. Date Filed: January 10, 1986.

d. Applicant: South Fork II, Inc. (Licensee) and South Fork II Associates Limited Partnership (Transferee).

e. Name of Project: Weeks Falls Hydroelectric.

f. Location: On the South Fork Snogualmine River in Sec. 34, T23N, R9E in King County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Harry P. Hosey, President, Hosey & Associates Engineering Company, Northup West Business Park, 2820 Northup Way, Bellevue, WA 98004, (206) 827-8661.

i. Comment Date: March 31, 1986.

j. Description of Project: On April 25, 1985, a major license was issued to South Fork II, Inc. for the construction, operation and maintenance of the Weeks Falls Project No. 7563. It is proposed to transfer the license to South fork II Associates Limited Partnership. The purpose of this proposed license transfer is to facilitate the financing and construction of the licensed project through a traditional partnership financing structure.

The Licensee certifies that it has fully complied with the terms and conditions of its license and obligates itself to pay all annual charges accrued under the license to the date of transfer. The Transferee accepts all the terms and conditions of the license and agrees to be bound thereby to the same extent as though it was the original licensee.

k. This notice also consists of the following standard paragraphs: B and C.

2 a. Type of Application: Preliminary Permit.

b. Project No: 9535–000.

c. Date Filed: October 9, 1985.

d. Applicant: Painted Rocks Hydro Associates.

e. Name of Project: Painted Rocks.

f. Location: At the Montana Department of Natural Resources and Conservation's Painted Rocks dam on the West Fork Bitterroot River, in Ravalli County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Archie R. Ford, P.O. Box 1940, Orofino, ID 83455.

i. Comment Date: March 28, 1986.

j. Competing Application: Project No. 9364, date filed: July 29, 1985. Due date: February 5, 1985.

k. Description of Project: The existing project facilities at the site consist of: (1) a 143-foot-high rockfill embankment dam; (2) a 160-foot-wide spillway; (3) a 30-foot-high intake tower; (4) a 580-foot-long, 10-foot-diameter concrete conduit; and (5) a 655-acre reservoir with a capacity of 45,000 acre-feet at a normal maximum surface elevation of 4467.5 feet. In addition the project would consist of the following proposed facilities: (1) Lining the outlet conduit from the outlet gates to the discharge point with a 84-inch-diameter penstock; (2) a bifurcation 45 feet upstream of the discharge point; (3) a 54-inch-diameter penstock from the bifurcation to the powerhouse at the toe of the dam; (4) a powerhouse containing 2 generating units with a combined capacity of 1.458 MW and an annual average generation of 7.5 GWh; and (5) upgrading an existing transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $62,000. No new roads would be constructed or drilling conducted during the feasibility study.

l. Purpose of Project: Project power would be sold.

m. This notice also consists of the following standard paragraphs: A8, B, C, and D2.

3 a. Type of Application: Surrender of License.

b. Project No: 3012–003.

c. Date Filed: December 13, 1985.

d. Applicant: Saybrooke Manufacturing Company.

e. Name of Project: Saybrooke.

f. Location: On the South Branch of the Pawtuxet River in Kent County, Rhode Island.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Gary P. Halliwell, Halliwell Associates, Inc., 865 Waterman Avenue, East Providence, Rhode Island 02914.

i. Comment Date: March 28, 1986.

j. Description of Proposed Surrender: The project would have consisted of: (1) An existing granite block step dam, 110 feet long and 21 feet high; (2) a reservoir of negligible storage capacity at spillway crest elevation 77.2 feet m.s.l.; (3) a headrace 150 feet long; (4) a powerhouse area in a mill building with two turbine-generator units with a total capacity of 235 kW; (5) a tailrace, 300 feet long; (6) electrical facilities; and (7) other appurtenances.

The Licensee states that the State of Rhode Island Water Resources Board is planning an upstream water supply reservoir, to be known as the Big River Reservoir, which would control the flow available for the Saybrooke Project. This flow issue has not been resolved and, consequently, the Licensee is not able to provide the required support information to the financial institutions for project financing.

k. This notice also consists of the following standard paragraphs: B, C, and D2.

4 a. Type of Application: Surrender of License.

b. Project No. 3010–003.

c. Date Filed: December 13, 1985.

d. Applicant: Valley Industries, Inc.

e. Name of Project: Centerville.

f. Location: On the South Branch of the Pawtuxet River in Kent County, Rhode Island.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Gary P. Halliwell, Halliwell Associates, Inc., 865 Waterman Avenue, East Providence, Rhode Island 02914.

i. Comment Date: March 28, 1986.

j. Description of the Proposed Surrender: The project would have consisted of: (1) An existing granite block arch-step dam, 80 feet long and 16.0 feet high; (2) a reservior of negligible storage capacity at spillway crest elevation 124.9 feet m.s.l.; (3) a headrace 175 feet long: (4) a powerhouse area in a mill building with two turbine-generator units with a total capacity of 155 kW; (5) a tailrace, 200 feet long; (6) trashracks and headgates; (7) electrical facilities; and (8) other appurtenances.

The Licensee states that the State of Rhode Island Water Resources Board is planning an upstream water supply reservoir, to be known as the Big River Reservoir, which would control the flow available for the Centerville Project. This flow issue has not been resolved and, consequently, the Licensee is not able to provide the required support information to the financial institutions for project financing.

k. This notice also consists of the following standard paragraphs: B, C, and D2.

5 a. Type of Application: Amendment of Annual License.

b. Project No.: 1250–002.

c. Date Filed: January 31, 1985.

d. Applicant: City of Pasadena Water and Power Department.

e. Name of Project: Azusa Water Power Project.

f. Location: On the San Gabriel River, partly on the lands of Angeles National Forest, in Los Angeles County, California.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Karl A. Johnson, General Manager, City of Pasadena Water and Power Department, 100 North Garfield Avenue, Pasadena, California 91109. (818) 405–4420.

i. Comment Date: April 2, 1986.

j. Expiration Date of Initial License: Applicant's initial license for Project No. 1250 expired on May 31, 1984. The project is currently under annual license.

k. Description of The Proposed Action: The City of Pasadena Water and Power Department (City), Licensee for Project No. 1250, proposes to remove the following project works from within its project boundary: (1) An intake structure, within the Los Angeles County Flood Control District's (District) San Gabriel No. 1 Reservoir; (2) a 30-foot-diameter, approximately 1850-foot-long outlet tunnel reduction valves at the end of the outlet tunnel. The City requests the above changes, in its existing license for Project No. 1250, to accommodate Commission authorization of construction and operation of Project No. 8764 at the District's San Gabriel No. 1 Dam and Reservoir.

l. This notice also consists of the following standard paragraphs: B, C, and D1.

6 a. Type of Application: Preliminary Permit.

b. Project No.: 9226–000.

c. Date Filed: May 22, 1985.

d. Applicant: The City of Redding, California.

e. Name of Project: Fiddlers Reservoir.

f. Location: On Middle Fork Cottonwood Creek, near Platina, in Shasta and Tehama Counties, California

(in Section 28 of T29N, R7W, M.D.B. & B).

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Robert E. Courtney, City Manager, City of Redding, 760 Parkview Avenue, Redding, CA 96001, (916) 225–4060.

i. Comment Date: March 25, 1986.

j. Competing Application: Project No. 9218–000, date filed: May 22, 1985.

k. Description of Project: The proposed project would consist of: (1) A 348-foot-high, 3,500-foot-long zoned earthfill dam at elevation 1,102 feet msl; (2) a reservoir with a storage capacity of 545,000 acre-feet and a surface area of 5,500 acres; (3) a 12-foot-diameter, 400-foot-long penstock; (4) a powerhouse containing two or more turbine-generator units with a combined rated capacity of 15,200 kW and operating under a head of 300 feet; (5) a 69–kV, 17-mile-long transmission line interconnecting the project to an existing 230:kV, Western Area Power Administration (WAPA) line. The project's estimated average annual generation of 35.8 GWh would be sold to the City of Redding Electric Department customers.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $300,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

7 a. Type of Application: Preliminary Permit.

b. Project No.: 9223–000.

c. Date Filed: May 22, 1985.

d. Applicant: The City of Redding, California.

e. Name of Project: Schoenfield Reservoir.

f. Location: On Red Bank Creek, near Red Bluff, partially within lands administered by the Bureau of Land Management, in Tehama County, California (in Section 16 of T26N, R6W, M.D.M. & B).

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Robert E. Courtney, City Manager, City of Redding, 760 Parkview Avenue, Redding, CA 96001, (916) 225–4060.

i. Comment Date: March 25, 1986.

j. Competing Application: Project No. 9219–000, date filed: May 22, 1985.

k. Description of Project: The proposed project would consist of: (1) A 300-foot-high, 1,000-foot-long zoned earthfill dam at elevation 1006 feet msl; (2) a reservoir with a storage capacity of 177,000 acre-feet and a surface area of 2,600 acres; (3) a 6-foot-diameter, a 4-mile-long conduit connecting the Dippingvat Reservoir to the Schoenfield Reservoir (upper powerhouse); (4) a 5-foot-diameter, 350-foot-long penstock (lower powerhouse); (5) a powerhouse (upper) containing two or more turbine-generator units with a combined rated capacity of 1,800 kW and operating under a head of 190 feet; (6) a powerhouse (lower) containing two or more turbine-generator units with a combined rated capacity of 2,500 kW and operating under a head of 250 feet; and (7) a 34.5–kV, 25-mile-long transmission line interconnecting the project to an existing 230-kV, Western Area Power Administration (WAPA) line, The project's estimated average annual generation of 17.5 GWh would be sold to the City of Redding Electric Department customers.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $300,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

8 a. Type of Application: Preliminary Permit.

b. Project No.: 9224–000.

c. Date Filed: May 22, 1985.

d. Applicant: The City of Redding, California.

e. Name of Project: Dippingvat Reservoir.

f. Location: On South Fork Cottonwood Creek, near Red Bluff, partially within lands administered by the Bureau of Land Management, in Tehama County, California (In Section 31 of T27N, R6W, M.D.M.&B.)

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Robert E. Courtney, City Manager, City of Redding 760 Parkview Avenue, Redding, CA 96001, (916) 225–4060.

i. Comment Date: March 24, 1986.

j. Competing Application: Project No. 9219–000, date filed: May 22, 1985.

k. Description of Project: The proposed project would consist of: (1) A 300-foot-high, 1,200-foot-long zoned earthfill dam at elevation 1,244 feet msl; (2) a reservoir with a storage capacity of 150,000 acre-feet and a surface area of 2,500 acres; (3) a 5-foot-diameter, 350-foot-long penstock; (4) a powerhouse containing two or more turbine-generator units with a combined rated capacity of 2,500 kW and operating under a head of 270 feet; and (5) a 34.5-kV, 22-mile-long transmission line interconnecting the project to an existing 230-kV, Western Area Power Administration (WAPA) line. The project's estimated average annual generation of 11 GWh would be sold to the City of Redding Electric Department customers.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $300,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

9 a. Type of Application: Preliminary Permit.

b. Project No.: 9768–000.

c. Date Filed: December 30, 1985.

d. Applicant: Trafalgar Power, Inc.

e. Name of Project: Walloomsac.

f. Location: On the Walloomsac River in Rennselaer County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Arthur H. Steckler, Trafalgar Power, Inc., Smith and Canal Street, Franklin, NH 03035, (603) 934–4202.

i. Comment Date: April 14, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 11-foot-high and 215-foot-long concrete dam with a spillway crest elevation of 444 feet msl; (2) an existing reservoir of negligible size and storage capacity; (3) an existing gate intake structure to be rehabilitated; (4) a proposed 20-foot-wide and 30-foot-long flue; (5) a proposed powerhouse to contain one turbine/generator for an installed capacity of 420 kW; (6) a proposed trailrace; (7) a new 13.8-kV transmission line approximately 100 feet long; and (8) appurtenant facilities. The estimated average annual energy produced by the project would be 1.8 million kWh

operating under a hydraulic head of 22 feet. The existing facilities are owned by the Columbia Corporation.

k. Purpose of Project: Project power will be sold to the Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $43,000.

10 a. Type of Application: Preliminary Permit.

b. Project No.: 9769–000.

c. Date Filed: December 30, 1985.

d. Applicant: Trafalgar Power, Inc.

e. Name of Project: Castleton.

f. Location: On the Moordenerkill River in Rennselaer County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Arthur H. Steckler, Trafalgar Power, Inc., Smith and Canal Street, Franklin, NH 03035, (603) 934–4202.

i. Competing Application: Project No. 9418, date filed August 26, 1985. Due Date: February 18, 1986.

j. Comment Date: March 24, 1986.

k. Description of Project: The proposed project would consist of: (1) An existing 13-foot-high and 96-foot-long concrete dam with spillway crest elevation of 146 feet msl; (2) an existing reservoir with a negligible storage capacity at elevation 146 feet msl; (3) an existing 5-foot-wide gated intake structure; (4) a new penstock 3 feet in diameter and 450 feet long; (5) an existing powerhouse to be rehabilitated to contain one turbine/generator for an installed capacity of 150 kW; (6) a proposed tailrace; (7) a new 4.8-kV transmission line approximately 220 feet long; and (8) appurtenant facilities. The estimated average annual energy produced by the project would be 680,000 kWh under a hydraulic head of 41.5 feet. The dam is owned by the Fort Orange Paper Company.

l. Purpose of Project: Project power will be sold to the Niagara Mohawk Power Corporation.

m. This notice also consists of the following standard paragraphs: A8, B, C, and D2.

n. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construciton. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $33,000.

a. Type of Application: Preliminary Permit.

b. Project No.: 9632–000.

c. Date Filed: November 14, 1985.

d. Applicant: Wilfred and Rory Poulin.

e. Name of Project: Wynantskill.

f. Location: On the Wynantskill Creek in Rensselaer County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Neal F. Dunlevy, Stetson—Dale, Architects & Engineers, 185 Genesee Street, Utica, NY 13501, (315) 797–5800.

i. Comment Date: April 14, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 10-foot-high, 100-foot-long concrete gravity dam; (2) a reservoir with a surface area of 7 acres, a storage capacity of 50-acre-feet, and a normal water surface elevation of 177.0 feet msl; (3) a new concrete intake structure; (4) a new 42-inch-diameter, 2,800-foot-long steel penstock; (5) a new concrete powerhouse containing one generating unit with a capacity of 225 kW and one generating unit with a capacity of 475 kW for a total installed capacity of 700 kW; (6) a new transmission line, 150 feet long; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 2,300,000 kWh. The existing dam is owned by the City of Troy, New York.

k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $20,000.

12 a. Type of Application: Exemption 5 MW or Less.

b. Project No.: 9180–000.

c. Date Filed: May 8, 1985.

d. Applicant: City of Greenville.

e. Name of Project: Franklin Street Dam.

f. Location: Flat River, Montcalm County, Michigan.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2709.

h. Contact Person: Mr. Abe A. Munfah, Ayres, Lewis, Norris & May, Inc., 3983 Research Park Drive, Ann Arbor, MI 48104, (313(371–7800.

i. Comment Date: March 24, 1986.

j. Description of Project: The proposed project would consist of: (1) The existing Franklin Street Dam owned by the Applicant, consisting of a 50 foot-long gated concrete spillway section flanked by two 16-foot-high earth embankments, 200 feet long and 350 feet long, respectively; (2) an existing reservoir with a surface area of approximately 300 acres and a gross storage capacity of approximately 1,500 acre-feet at the normal water surface elevation of 811.0 feet (m.s.l.); (3) a proposed powerhouse, located adjacent to the dam spillway section and housing a single generating unit of 130 kW capacity; and (4) appurtenant facilities. The estimated average annual generation of the project is approximately 915,000 KWh. Project power would be sold to Consumers Power Company.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3a.

l. Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

13 a. Type of Application: Preliminary Permit.

b. Project No: 9657–000.

c. Date Filed: December 2, 1985.

d. Applicant: St. Maries River Hydro, Inc.

e. Name of Project: St. Maries River.

f. Location: On the St. Maries River in Sec. 34, T45N, R2W, near St. Maries, Benwah County, Idaho.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. James R. Morris, St. Maries River Hydro, Inc., P.O. Box 1016, Lewiston, ID 83501.

i. Comment Date: March 28, 1986.

j. Competing Application: Project No. 9660, date filed: December 3, 1985. Due Date: March 21, 1986.

k. Description of Project: The proposed project would consist of: (1) A 10-foot-high diversion dam at elevation 2,800 feet; (2) a 2,315-foot-long, 102-inch-diameter penstock; (3) a powerhouse containing one generating unit with a capacity of 3,670 kW; and (4) a 6-mile-long transmission line. Applicant estimates the average annual energy production to be 16,136,000 kWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $770,000. No new roads would be constructed or drilling conducted during the feasibility study.

l. Purpose of Project: The proposed power produced is to be sold to the local power company.

m. This notice also consists of the following standard paragraphs: A8, B, C, and D2

14 a. Type of Application: Preliminary Permit.

b. Project No: 9633–000.

c. Date Filed: November 20, 1985.

d. Applicant: Stanley Hawkins.

e. Name of Project: Hawkins Willow creek.

f. Location: On Willow Creek, tributary to the Snake River, in Section 21, T1S, R40E, Bonneville County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Vernon Ravenscroft, P.O. Box 893, Boise, ID 83701, (208) 345–2670.

i. Comment Date: April 14, 1986.

j. Description of Project: The proposed run-of-river project would consist of: (1) A modified head gate diversion structure along the bank in a natural slack water meadow area having water surface elevation 5880 feet MSL; (2) a 42-inch-diameter, 5,300-foot-long buried steel penstock; (3) a powerhouse containing a generating unit rated at 693-kW at a flow of 60 cfs and at a net head of 165 feet; (4) a tailrace; and (5) a 7.2-kV transmission line.

A preliminary permit, if issued, does not authorize construction. Applicant seeks an 18-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support a development application. The estimated cost of permit activities is $21,000.

k. Purpose of Project: Applicant would sell the power produced at the site to Utah Power & Light Company. Applicant estimates that the average annual energy production would be 3,748,644 KWh.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2

15 a. Type of Application: Preliminary Permit.

b. Project No.: 9483–000.

c. Date Filed: September 26, 1985.

d. Applicant: Newburgh Hydro Partners.

e. Name of Project: Newburgh Lock and Dam.

f. Location: On the Ohio River in Henderson County, Kentucky, and Warrick County, Indiana, near Newburgh, Indiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Louis Rosenman, LeBoeuf, Lamb, Leiby, and McCrae, Suite 110, 1333 New Hampshire Ave., NW., Washington, DC 20036, (202) 457–7500.

i. Comment Date: March 24, 1986.

j. Competing Application: Project No. 9455, date filed September 13, 1985. Comment due date March 6, 1986.

k. Description of Project: The proposed would utilize the existing U.S. Corps of Engineers' Newburgh Lock and Dam and reservoir, and would consist of: (1) A proposed 10 foot diameter steel penstock approximately 50 feet long; (2) a proposed concrete powerhouse approximately 130 feet by 230 feet housing one 40,000-kW generator; (3) a proposed concrete tailrace approximately 130 feet wide, 220 feet long and 15 feet deep; (4) a proposed 125-kV transmission line approximately 9,500 feet long; and appurtenant facilities. The Applicant estimates that the average annual generation would be 180 GWh. All project energy generated would be sold to Kentucky Utilities or Alcoa Corporation.

l. This notice also consists of the following standard paragraphs: A8, B, C, and D2.

m. Proposed Scope under this Permit; A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $145,000.

16 a. Type of Application: Exemption.

b. Project No: 9247–000.

c. Date Filed: May 30, 1985.

d. Applicant: Willard Ray Moulton, et. al.

e. Name of Project: Pratt Creek.

f. Location: On Pratt Creek in Lemhi County, Idaho.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Anders Grimsrud, 627 N600W #11, Provo, UT 84601.

i. Comment Date: March 24, 1986.

j. Description of Project: The proposed project would consist of (1) An intake structure at the existing dam on Pratt Creek at elevation 5580 feet; (2) a 9,800-foot-long, 16-inch-diameter penstock; (3) a powerhouse containing a generating unit with a capacity of 305kw and an average annual generation of 1.6 GWH; and (4) a 300-foot-long transmission line.

Purpose of Exemption—An exemption, if issued, gives an Exemption priority of control, development, and operation of the project under the terms of the exemption from licensing and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Project power would be sold.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3a.

17 a. Type of Application: Preliminary Permit.

b. Project No: 9715–000.

c. Date Filed: December 24, 1985.

d. Applicant: F & T Services Corporation.

e. Name of Project: Mississippi River Lock and Dam No. 24.

f. Location: On the Mississippi River in Pike County, Missouri and Calhoun County, Illinois.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ralph L. Laukhuff, Jr., Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, LA 70896, 504–927–9321.

i. Comment Date: April 14, 1986.

j. Description of Project: The Applicant would utilize an existing dam and lands under the jurisdiction of the U.S. Army Corps of Engineers. The proposed project would consist of: (1) A proposed powerhouse containing 4 generating units having a total rated capacity of 42 MW; (2) a proposed 150-foot-wide by 200-foot-long inlet channel; (3) a proposed 150-foot-wide by 350-foot-

long outlet channel; (4) a proposed transmission line; and (5) appurtenant facilities. The estimated average annual energy output is 175,000,000 kWh. Energy produced at the project would be sold to the Missouri Edison Company.

k. Proposed Scope under this Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be 30,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

18 a. Type of Application: Preliminary Permit.

b. Project No: 9667–000.

c. Date Filed: December 3, 1985.

d. Applicant: Midway Associates.

e. Name of Project: Pine Creek Project.

f. Location: On Pine Creek in Wasatch County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Mike Graham, 484 East 300 North, Manti, UT 84642.

i. Comment Date: April 14, 1986.

j. Description of Project: The proposed project would be located on lands of the State of Utah and would consist of: (1) A new diversion dam about 5 feet high; (2) a new intake structure and canal, about 13,000 feet long; (3) a new penstock, 24 inches in diameter and about 5,200 feet long; (4) a new powerhouse with an installed capacity of 3,500 kW operating under a head of 1,700 feet; (5) a tailrace returning flow to Pine Creek; (6) a new 12.5-kV transmission line, about one mile long; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 20,000,000 kWh.

k. Purpose of Project: Project energy would be sold to local municipalities or the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $5,000.

19 a. Type of Application: Preliminary Permit.

b. Project No: 9626–000.

c. Date Filed: November 18, 1985.

d. Applicant: Burlington Energy Development Associates.

e. Name of Project: Moody Street.

f. Location: On the Charles River, in Middlesex County, in the city of Waltham, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. John R. Anderson, 64 Blanchard Road, Burlington, MA 01803.

i. Comment Date: March 24, 1986.

j. Competing Application: Project No. 9486–001, date filed: October 2, 1985.

k. Description of Project: The proposed project would consist of: (1) An existing stone block masonry dam, 10 feet high and 175 feet long; (2) an existing reservoir with a storage capacity of 1,000 acre-feet and water surface area of 200 acres at normal water surface elevation of 37 feet m.s.l.; (3) a new powerhouse, approximately 30 feet square, housing an installed capacity of 300 kW; (4) a proposed 450-foot-long, 480-V transmission line; and (5) appurtenant facilities. Applicant estimates that the average annual generation would be 1.3 GWh. The owner of the dam is the Metropolitan Distict Commission of Massachusetts.

l. Purpose of Project: The Applicant anticipates that project energy will be sold to the Boston Edison Company.

m. This notice also consists of the following standard paragraphs: A8, B, C, and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

20 a. Type of Application: Declaration of Intention.

b. Docket No.: EL86–13–000.

c. Date Filed: November 29, 1985.

d. Applicant: Earle Ausman & Earl Ellis.

e. Name of Project: McRoberts Creek Hydropower.

f. Location: On McRoberts Creek in Matanuska Susitna Borough, Alaska.

g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. Contact Person: Mr. Earle V. Ausman, 3909 Geneva Place, Anchorage, AK 99503.

i. Comment Date: March 24, 1986.

j. Description of Project: The proposed project would consist of: (1) a 6-foot-high, 35-foot-long timber diversion dam at elevation 1,640 feet; (2) an 8,400-foot-long penstock; (3) a 16-foot by 22-foot powerhouse at elevation 519 feet containing a generating unit rated at 400 kW; and (4) a 7.2–kV, 0.9-mile-long transmission line connecting to the Matanuska Electric Association distribution system.

A Declaration of Intention requests that the Commission commence an investigation to determine if it has jurisdiction over a particular hydroelectric project.

k. Purpose of Project: Power would be sold to the Matanuska Electric Association, which is not connected to any interstate utility grid.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

21 a. Type of Application: Preliminary Permit.

b. Project No.: 9668–000.

c. Date Filed: December 3, 1985.

d. Applicant: Niagara Creek Associates.

e. Name of Project: Niagara Creek Project.

f. Location: On Niagara Creek in Tuolumne County, California:

Item	T/S	Range
Diversion, Penstock and Powerhouse	6N	19E
Power Transmission Lines	6N	18E
Power Transmission Lines	5N	18E

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Mike Graham, 484 East 300 North, Manti, UT 84642.

i. Comment Date: April 11, 1986.

j. Description of Project: The proposed project would be located entirely within the Stanislaus National Forest and would consist of: (1) A diversion/intake structure on Niagara Creek at elevation 6,020 feet m.s.l.; (2) a pipeline/penstock, 3,600 feet long; (3) a powerhouse with an installed capacity of 2,900 kW operating under a head of 1,035 feet; (4) a tailrace returning flow to the creek; (5) a 12.0–kV transmission line about nine miles long; and (6) appurtenant facilities. The Applicant estimates that the average

annual energy output would be 8,305,000 kWh.

k. Purpose of Project: Project energy would be sold to local municipalities or the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $85,000.

22 a. Type of Application: Preliminary Permit.

b. Project No.: 9619–000.

c. Date Filed: November 14, 1985.

d. Applicant: Friant Power Authority.

e. Name of Project: Little Dry Creek Siphon.

f. Location: On Friant Kern Canal, near Clovis, within lands administered by the U.S. Bureau of Reclamation, in Fresno County, California (in Section 28 of T11S, R21E, M.D.B. & M).

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. John Boudreau, Manager, c/o Terra Bella Irrigation District, 24790 Avenue 95, Terra Bella, CA 93270. (209) 535–4414.

i. Comment Date: April 11, 1986.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A powerhouse of the Friant Kern Canal utilizing two turbine-generator units with a combined rated capacity of 800 kW, operating under a heard of 11 feet; (2) a 1,000-foot-long transmission line interconnecting the project to an existing Pacific Gas and Electric Company (PG&E) 12-kV transmission line located along Auberry Road. The project's estimated average annual generation of 3.0 GWh would be sold to PG&E.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $50,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

23 a. Type of Application: Preliminary Permit.

b. Project No.: 9583–000.

c. Date Filed: November 1, 1985.

d. Applicant: Uniontown/Evansville Associates.

e. Name of Project: Uniontown/Evansville Project.

f. Location: On the Ohio River in Posey County, Indiana and Union County, Kentucky.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jordan R. Walker, 484 East 300 North, Manti, Utah 84642, (801) 835–0202.

i. Comment Date: April 14, 1986.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Uniontown Lock and Dam, having a dam water elevation approximately 342 feet MSL and would consist of: (1) A new powerhouse 100 feet by 200 feet located on the Kentucky side of the dam and containing thirteen turbine/generators having a total installed capacity of 65,000 kW; (2) a new tailrace extending 200 feet downstream of the powerhouse; (3)(a new 3,960-foot-long 25–kV transmission line; and (4) appurtenant facilities. The Applicant estimates the average annual energy production to be 350,000 MWh.

k. Purpose of Project: The Applicant intends to sell the power generated at the proposed facility to local municipalities or to Southern Indiana Gas & Electric.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $125,000.

24 a. Type of Application: Preliminary Permit.

b. Project No.: 9818–000.

c. Date Filed: December 31, 1985.

d. Applicant: Taft Hydro.

e. Name of Project: Utica Dam.

f. Location: On the Mohawk River in Oneida County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence R. Taft, Taft Hydro, 10315 Caughdenoy Rd., Central Square, NY 13036, (315) 437–2547.

i. Comment Date: April 11, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 8-foot-high, 115-foot-long concrete gravity dam; (2) a reservoir with a surface area of 32 acres, a storage capacity of 422 acre-feet, and a normal water surface elevation of 402 feet m.s.l. with; (3) three 9.0-foot-high steel taintor gates: (4) new 2-foot-high wood flashboards; (5) five siphon intake generating units with a capacity of 132 kW each for a total installed generating capacity of 660 kW; (6) a new 40-foot-wide, 100-foot-long earth tailrace; (7) a new transmission line, 1,000 feet long; and (8) appurtenant facilities. The Applicant estimates the average annual generation would be 3,500,000 kWh. The existing dam is owned by the New York State Department of Transportation, Albany, New York.

k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $21,000.

25 a. Type of Application: Major License.

b. Project No.: 7382–006.

c. Date Filed: January 23, 1985 as supplemented.

d. Applicant: Renewable Resources Development, a General Partnership, and Upper Lake Creek Hydroelectric.

e. Name of Project: Lake Creek Hydroelectric.

f. Location: On Lake Creek, near Riggins, in Idaho County, Idaho on lands of the United States administered by the Bureau of Land Management, Section 33, Township 24N, Range 3E.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Carl L. Myers, 750 Warm Springs Avenue, Boise, Idaho 83712, (208)–336–1425.

i. Comment Date: April 11, 1986.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 20-foot-long concrete diversion structure with crest elevation of 2,606 feet; (2) a 38-inch-diameter 11,000-foot-long steel penstock; (3) a concrete powerhouse containing one generating unit with an installed capacity of 4,637kW at a head of 740 feet; and (4) a 1,300-foot-long, 34.5-kV transmission line connnecting through other proposed projects to a sub-station in Riggins. The estimated project cost, in 1984 dollars, is $3,016,200.

k. Purpose of Project: Project power would be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

26 a. Type of Application: License.

b. Project No.: 7589–007.

c. Date Filed: April 23, 1985.

d. Applicant: Paul S. Boyer.

e. Name of Project: Shingle Creek.

f. Location: In Nezperce National Forest, on Shingle Creek, in Idaho County, Idaho.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–285(r).

h. Contact Person: Mr. Carl L. Myers, 750 Warm Springs Avenue, Boise, ID 83712.

i. Comment Date: April 11, 1986.

j. Description of Project: The proposed project would consist of: (1) A 2-foot-high check dam at elevation 2,555 feet; (2) a 3,680-foot-long, 24-inch-diameter penstock; (3) a powerhouse containing a single generating unit with a capacity of 621 kW and an average annual generation of 1,899,975 kWh; and (4) a 200-foot-long transmission line with suitable transformers and switching devices to connect to Idaho Power Company's existing New Meadows Feeder No. 041–31 25-kV line. The estimated cost of the project is $877,635.

k. Purpose of Project: Project would be sold.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

27 a. Type of Application: Major License.

b. Project No.: 7378–005.

c. Date Filed: February 7, 1985 as supplemented.

d. Applicant: Renewable Resources Development, a General Partnership and Carson Hydroelectric Corporation.

e. Name of Project: Elkhorn Creek Hydroelectric.

f. Location: On Elkhorn Creek, near Riggins, in Idaho County, Idaho, on lands of the United States administered by the Bureau of Land Management and Payette National Forest, Section 33, Township 24N, Range 3E.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Carl L. Myers, 750 Warm Springs Avenue, Boise, Idaho 83712, (208)–336–1425.

i. Comment Date: April 11, 1986.

j. Description of Project: The proposed project would consist of: (1) A 3-foot-high, 24-foot-long concrete diversion structure with crest-elevation of 3,647 feet; (2) a 30-inch-diameter, 10,490-foot-long steel penstock; (3) a concrete powerhouse containing one generating unit with an installed capacity of 4,826kW at a head of 1,170 feet; and (4) a 5,600-foot-long, 34.5-kV transmission line connecting through other proposed projects to a substation in Riggins. The estimated project cost, in 1984 dollars, is $2,650,000.

k. Purpose of Project: Project power would be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

28 a. Type of Application: Preliminary Permit.

b. Project No: 9712–000.

c. Date Filed: December 23, 1985.

d. Applicant: Beardslee Corporation.

e. Name of Project: Beardslee Dam.

f. Location: East Canada Creek in Herkimer and Montgomery Counties, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. C. William Carter, Beardslee Corporation, 420 Lexington Avenue, Suite 440, New York, NY 10170, (212) 986–0440.

i. Comment Date: April 11, 1986.

j. Description of Project: The Applicant proposes to develop the presently unutilized capacity at the Beardslee Dam owned by Niagara Mohawk Power Corporation for the existing unlicensed East Canada Creek Project No. 2648. The proposed project would consist of: (1) An existing dam consisting of: (a) an 18-foot-high, 273-foot-long concrete gravity section, and (b) a 65-foot-high, 647-foot-long rock and earth filled section; (2) a reservoir with a surface area of 255 acres, a storage capacity of 8,500 acre-feet, and a normal water surface elevation of 508.5 feet m.s.l. when structurally increasing the height of the concrete gravity dam by 10 feet to a new dam height of 28 feet; (3) a new 50-foot-wide, 100-foot-long power canal; (4) a new concrete intake structure; (5) a new 12-foot-diameter, 2,600-foot-long steel penstock; (6) a new steel surge tank; (7) a new concrete powerhouse containing two generating units with a capacity of 10,000 kW each for a total installed generating capacity of 20,000 kW; (8) a new 100-foot-long tailrace; (9) a new transmission line, 750 feet long; (10) a new 2,000-foot-long access road; and (11) appurtenant facilities. The Applicant estimates the average annual generation would be 9,000,000 kWh. The existing dam is owned by Niagara Mohawk Power Corporation.

k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $160,000.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications or notices of intent to file competing development applications, must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed

project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9), and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency

does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: February 21, 1986.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-4172 Filed 2-25-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-292-000 et al.]

Natural Gas Certificate Filings; National Fuel Gas Supply Corp. et al.

Take notice that the following filings have been made with the Commission:

1. National Fuel Gas Supply Corporation

[Docket No. CP86-292-000]

February 20, 1986.

Take notice that on January 27, 1986, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York, 14203, filed Docket No. CP86-292-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement of a portion of existing pipeline and for permission and approval to abandon certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace 1.78 miles of its pipeline, designated as Line K, located in the Town of West Seneca, Erie County, New York, with 1.61 miles of 20-inch new coated steel line. Applicant further proposes to abandon and replace an existing regulator station with a new facility. The total estimated cost of the project, as set forth in the application, is $556,000, which Applicant asserts would be financed with internally generated funds and/or interim short-term bank loans.

Applicant's proposals are part of its effort to relocate bare pipeline where it crosses residential areas.

Comment date: March 13, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Columbia Gulf Transmission Company

[Docket No. CP85-285-000]

February 20, 1986.

In Docket No. CP85-285-000, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, requested specific certificate authorization to continue a transportation service pursuant to section 7(c) of the Natural Gas Act which was self-implemented under its Order No. 60 blanket certificate and was eligible for "grandfathered" treatment pursuant to § 284.105 of the Commission's Regulations. This specific transaction could continue over the short term under the "grandfathered" provisions of Order No. 436 and can continue over the long term under the terms and conditions promulgated by Order No. 436. Applicant has, however, indicated that it desires the Commission to process this separate request under the standard section 7(c) procedures.

To ensure the consistency of the proposal with the purposes of Order No. 436, issued October 9, 1985, in Docket No. RM85-1-000, the application filed in the referenced docket is being renoticed.

Take notice that on February 14, 1985, Applicant filed in Docket No. CP85-285-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natrual gas for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport a contract-demand volume of 6,000 Mcf per day of Natural's gas produced from West Cameron Blocks 509 and 510, offshore Louisiana, as well as any excess volumes Natural may request Applicant to transport, such excess volumes to be transported on a best-efforts, interruptible basis.

Applicant states it would transport the gas from a platform in West Cameron Block 531, offshore Louisiana, and would redeliver equivalent volumes to Natural at an interconnection of Applicant's and Stringray Pipeline Company's facilities in West Cameron Block 510, offshore Louisiana.

Applicant further states that Natural would pay Applicant a contract demand charge of 64.0 cents per Mcf of gas and 2.09 cents per Mcf for excess volumes of gas received for transportation at the point of receipt. Transportation would continue for a period of three years from the date of initial delivery and yearly thereafter unless terminated by either party.

Comment date: March 13, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP86-285-000]

February 20, 1986.

Take notice that on January 23, 1986, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86-285-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install, operate and maintain one small volume measurement station to accommodate natural gas deliveries to a non-right-of-way grantor through the local distribution company under the certificate issued in Docket No. CP83-496-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that the residential end-user, LaMonte L. Rauch, is located in Washington County, Minnesota, and would be served through Peoples Natural Gas Company, division of Utilicorp United Inc. (Peoples). It is stated that the proposed volumes to be sold would be within Peoples' existing firm entitlement and that service rendered through the proposed facilities would have no impact on Northern's peak day and annual deliveries. It is further stated that required volumes would be served from the firm entitlement designated by Peoples for delivery to small volume taps.

Northern indicates that installation of the proposed measurement facilities would be pursuant to the letter agreement between Northern and Peoples dated November 1, 1985, and that the total estimated cost to install the facility is $742.

Comment date: April 7, 1986, in accordance with Standard Paragraph G at the end of this notice.

4. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP86-303-000]

February 20, 1986.

Take notice that on February 3, 1986, Northern Natural Gas Company, Division of InterNorth, Inc., (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86-303-000, a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to reassign certain volumes of firm entitlement to accommodate natural gas deliveries to Great Plains Natural Gas Company (Great Plains), its utility customer in Fergus Falls, Minnesota, under the certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to reassign volumes of gas which it sells to Great Plains under Northen's Rate Schedule CD–1 because Great Plains has experienced cancellation of certain agreements between its large volume customers.

Northern avers that the reassignment of volumes would have no impact on Great Plains' authorized level of firm entitlement.

No facilities are required to be constructed or modified to accommodate Great Plains' request, it is stated.

Comment date: April 7, 1986, in accordance with Standard Paragraph G at the end of this notice.

5. Northwest Central Pipeline Corporation

[Docket No. CP86–305–000]

February 20, 1986.

Take notice that on February 3, 1986, Northwest Central Pipeline Corporation (Applicant), P.O. Box 3288, Tulsa, Oklahoma 74102, filed in Docket No. CP86–305–000 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and for permission and approval to abandon certain facilities, all in Kansas and Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install approximately 0.75 mile of 16-inch tie-over pipeline and appurtenant facilities from the Pampa-Wichita 20-inch pipeline to the Alva compressor station (Alva station) intake and approximately 0.75 mile of 16-inch tie-over pipeline from the Alva station discharge to the Pampa-Wichita 20-inch pipeline to replace the existing 0.75 mile of 8-inch pipe. In addition, Applicant proposes to abandon the seven 1,000 horsepower compressor units at the Corwin compressor station (Corwin station). Applicant states that these units were installed in 1928 and have become obsolete. Applicant indicates that the proposed rearragement of facilities would allow it to use the existing horsepower at Alva station and bypass the Corwin station.

Applicant states that the estimated cost of the proposed facilities is $500,000, which would be paid from treasury cash. Applicant indicates that the estimated total cost for the proposed abandonment is $145,296 with an estimated salvage value of $145,296.

Comment date: March 13, 1986, in accordance with Standard Paragraph F at the end of this notice.

6. Panhandle Eastern Pipe Line Company

[Docket No. CP86–302–000]

February 20, 1986.

Take notice that on January 31, 1986, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP86–302–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale to Martin Oil Service, Inc. (Martin), certain wellhead compression facilities located in Weld County, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests the authority to abandon and sell its Dacona and Haudrick compressors and appurtenant facilities. It is stated that the sale would be undertaken pursuant to an agreement between the Applicant and Martin dated June 28, 1985. It is further stated that the proposed sale price is the net book value of the facilities as of June 30, 1985, which is $20,329.

Comment date: March 13, 1986, in accordance with Standard Paragraph F at the end of this notice.

7. United Gas Pipe Line Company

[Docket No. CP86–271–000]

February 20, 1986.

Take notice that on January 15, 1986, United States Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251, filed in Docket No. CP86–271–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in gas sales volumes to the Town of Greensburg, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United requests authorization to increase Greensburg's maximum daily quantity (MDQ) of natural gas under Rate Schedule G–N from 474 Mcf to 874 Mcf. It is stated that Greensburg requires an increase in its MDQ to meet current demands on its distribution system. It is further stated that one potential customer is a commercial establishment which requires approximately 350 Mcf of natural gas per day. Greensburg's ability to respond to this customer's need is constrained by a total MDQ limitation of 474 Mcf, it is explained. United States that it has sufficient gas supply available to serve the proposed requirements of Greensburg. United further states that no additional facilities would be required to deliver the proposed volumes.

Comment date: March 13, 1986, in accordance with Standard Paragraph F at the end of this notice.

8. Valero Interstate Transmission Company

[Docket No. CP86–300–000]

February 20, 1986.

Take notice that on January 30, 1986, Valero Interstate Transmissison Company (Vitco), P.O. Box 1569, San Antonio, Texas 78296, filed in Docket No. CP86–300–000 and application pursuant to secton 7 of the National Gas Act and § 284.221 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing transportation of natural gas on behalf of interstate pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Vitco states that it would comply with the conditions specified by paragraph (d) of § 284.221 of the Commission's Regulations.

Comment date: March 13, 1986, in accordance wtih Standard Paragraph F at the end of this notice.

9. Williston Basin Interstate Pipeline Company

[Docket No. CP86–284–000]

February 20, 1986.

Take notice that on January 23, 1986, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP86–284–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to continue to operate one sales tap and appurtenant facilities under the certificate issued in Docket No. CP82–487–000, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Williston Basin seeks authorization for a sales tap and appurtenant facilities, which was previously installed under emergency conditions pursuant to § 157.48 of the Commission's Regulations, in order to deliver gas owned by Phillips Petroleum Company (Phillips) for use by Phillips in its gathering operations behind its Tioga processing plant, Williams County, North Dakota. Williston Basin advises that it has sufficient capacity to render the proposed service without detriment or disadvantage to its other customers.

Comment date: April 7, 1986, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-4181 Filed 2-25-86; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Period of January 27 Through February 7, 1986

During the period of January 27 through February 7, 1986, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: February 19, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decisions and Orders

Meier Oil Service, Inc., Ashkum, Illinois, KEE-0014

Meier Oil Service, Inc., (Meier) filed an Application for Exception from the provisions of the mandatory Form EIA-782B filing requirement. The exception request, if granted, would remove Meier from the list of firms required to respond to the EIA-782B survey. On February 5, 1986, the Department of Energy issued a Proposed Decision and Order granting Meier a three month exception from the reporting requirement.

Wadsworth Oil Company, Inc., Tuskegee, Alabama; KEE-0010

Wadsworth Oil Company, Inc. (Wadsworth) filed an Application for Exception from the Form EIA-782B reporting requirement. The exception request, if granted, would permit Wadsworth to be removed from the sample of surveyed oil companies. On February 5,1986, the Department of Energy issued a Proposed Decision and Order which determined that Wadsworth be granted limited exception relief to simplify the reporting requirement.

[FR Doc. 86-4188 Filed 2-25-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-36112; FRL-2974-9]

Pesticide Programs; Chemigation Label Improvement Program; Availability for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Draft Label Improvement Program (LIP) on Chemigation.

SUMMARY: This notice announces the availability of a draft pesticide LIP for pesticides applied through irrigation systems for comment. The Agency is seeking to decrease the likelihood of environmental risks associated with pesticide contamination of ground water and of human exposure to pesticides which may be attributed to pesticide-treated irrigation water. The proposed LIP will provide to users either labeling use directions, including required safety equipment, or label prohibitions of pesticides which may be involved in chemigation practices.

DATE: Written comments on the LIP should be submitted on or before April 14, 1986.

ADDRESSES: Three copies of comments identified with the docket number OPP-36112 should be submitted to: By mail: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 236,

CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: To request a copy of the LIP, contact Frances Mann of the Information Service Section, in Rm. 236 at the address given above (703–557–3262). Requests should be submitted no later than March 13, 1986, to allow sufficient time for receipt before the close of the comment period.

For technical questions contact, by mail: Thomas Ellwanger, Registration Division (TS–767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Office location and telephone number: Rm. 241, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1650).

Dated: February 20, 1986.

James W. Akerman,

Acting Director, Registration Division.

[FR Doc. 86–4120 Filed 2–25–86; 8:45 am]

BILLING CODE 6560–50–M

[OPP–36109; FRL–2974–3]

Pesticide Programs; Standard Evaluation Procedures; Availability of Draft Guidance Documents

AGENCY: Environmental Protection Agency [EPA].

ACTION: Notice of Availability; Request for Comments.

SUMMARY: The Environmental Protection Agency announces the availability of the following draft Standard Evaluation Procedures for public comment prior to their publication: Seed Germination/Seedling Emergence—Tier 1; Seed Germination/Seedling Emergence—Tier 2; Vegetative Vigor—Tier 1; Vegetative Vigor—Tier 2; Terrestrial Field Testing—Tier 3; Growth and Reproduction of Aquatic Plants—Tier 1; Growth and Reproduction of Aquatic Plants—Tier 2; Aquatic Field Testing—Tier 3; Target Area Testing; Droplet Size Spectrum; and Drift Field Evaluation. The Standard Evaluation Procedures (SEPs) are a standard set of guidance documents of how the Hazard Evaluation Division (HED) in the Office of Pesticide Programs evaluates studies and scientific data to ensure consistency of scientific reviews of studies submitted by registrants in support of pesticide registrations. This will increase the efficiency of pesticide registration and other regulatory activities. Copies of the draft documents are available at the address given below.

DATE: Comments must be received on or before March 28, 1986.

ADDRESS: Submit three copies of written comments, identified with the document control number "OPP–36109," by mail to: Information Service Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Copies of these draft Standard Evaluation Procedures are also available at this address.

FOR FURTHER INFORMATION CONTACT: By mail: Stephen L. Johnson, Hazard Evaluation Division (TS–769C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1121, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703–557–7695).

SUPPLEMENTARY INFORMATION: The Standard Evaluation Procedures are a standard set of guidance documents on how HED evaluates studies and scientific data to ensure consistency of scientific reviews. Not only will the SEPs serve as valuable internal reference documents and training aids for new staff, but these documents will also inform the public and regulated community of important considerations in the evaluation of test data for determining chemical hazards.

The SEPs ensure a comprehensive, consistent treatment of major scientific topics in HED science reviews and provide interpretive policy guidance where appropriate, but are not so detailed that they inhibit creativity and independent thought. The SEPs also serve as training aids for new staff, and inform the public of the internal review process. Throughout the remainder of this and next fiscal year, HED will be writing additional SEPs on the scientific disciplines of toxicology, chemistry, exposure assessment, and ecological effects. Twenty SEPs have been published thus far and will soon be available from the National Technical Information Service, which will be responsible for distribution of all SEPs after they have been finalized. Prior to publication, each of the SEPs must undergo extensive peer review including Division, Program Office, intra-Agency, FIFRA Scientific Advisory Panel, and public comment; this announcement solicits public comment on the draft documents.

Dated: February 3, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86–4003 Filed 2–25–86; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51605; FRL–2953–2]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 86–576, beginning on page 1283, in the issue of Friday, January 10, 1986, make the following correction:

On page 1284, third column, in the third line, "1,00–3,000" should read "1,000–3,000".

BILLING CODE 1505–01–M

[OPP–100035; FRL–2957–4]

Toxic and Hazardous Substances Control, Life Systems, Inc.; Transfer of Data

Correction

In FR Doc. 86–1220, beginning on page 2966, in the issue of Wednesday, January 22, 1986, make the following correction:

On page 2966, under DATE, in the third line, "February" should read "January".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMISSION

A.G.A., Inc.; Hearing Designation Order

In re Applications of MM Docket No. 86-69:

	File No.
A.G.A., Inc., La Coste, Texas, Req: 810 kHz, 0.25 kW, DA-D.	BP-841102AI
Fundamental Christian Broadcasting, Somerset, Texas, Req: 810 kHz, 0.5 kW, DA-D.	BP-850208AD

For Construction Permit.

Adopted: February 10, 1986.
Released: February 20, 1986.

By the Chief, Audio Services Division.

1. The Commission, by the Chief, Audio Services Division, acting pursuant to delegated authority, has under consideration the above-captioned applications for new AM broadcast stations and an informal objection to the A.G.A., Inc. (AGA) application filed by Fundamental Christian Broadcasting (FCB).

2. *A.G.A., Inc.* FCB asserts that the AGA application is unacceptable for filing because some of the technical information describing the proposed directional antenna system is inaccurate. FCB further asserts that in contested proceedings, an applicant whose proposal is returned as unacceptable for filing is accorded only one opportunity for acceptance *nunc pro tunc* if a minor curative amendment is tendered within thirty days of dismissal. The AGA application was initially returned on October 4, 1984, as unacceptable for filing, and was retendered November 2, 1984. Therefore, FCB asserts, AGA has had its one opportunity to submit a curative amendment. We agree with FCB in so far as it claims that some of the information in the AGA application is inaccurate. Dismissal is unwarranted, however, as these errors are not of a nature rendering the proposal patently defective under our rules. Rather, we were able to process the amended application without undue delay and determine that the proposal conformed to all relevant acceptance criteria. The application is therefore acceptable for filing. We will deny FCB's objection.

3. The AGA application does however contain errors that must be corrected. The proposed tower heights in degrees do not agree with the heights in feet as listed on the application form (FCC Form 301) and the field ratio for tower number one is mistakenly listed as zero. In addition, the application does not contain antenna site photographs as required by Section V-A, paragraph 8, of the application form. AGA must therefore correct these deficiencies and submit an amendment to the presiding Administrative Law Judge within thirty days of the release of this Order.

4. The environmental narrative statement contained in the AGA application does not contain information concerning the zoning classification of the antenna site and whether construction of the proposed facilities has been a source of controversy in the local community as required by § 1.1311(a) (3) and (4) of the Commission's Rules. AGA must therefore comply with the rules and file the required environmental information with the presiding Administrative Law Judge within thirty days of the release of this Order. In addition, a copy shall be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of § 1.1313(b). Section 1.1317 of the Rules will be waived by the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See *Golden State Broadcasting Corp.*, 71 F.C.C. 2d 229 (1979), *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 F.C.C. 2d 337 (1980).

5. The Commission has not yet received Federal Aviation Administration clearance for the antenna towers proposed by A.G.A., Inc. Accordingly an appropriate issue will be specified.

6. *Fundamental Christian Broadcasting.* On November 22, 1985, FCB filed an amendment to its application. The last date on which an amendment could be filed as a matter of right ("B" cut-off date) was July 9, 1985. The amendment contains current mailing address and ownership information and is in part required by § 1.65 of the Commission's Rules. We will therefore accept the amendment for filing with the restriction that it cannot be used to enhance the comparative position of the applicant nor to diminish the comparative position of any other applicant. The amendment is, however, incomplete in that that a one-third ownership interest in the applicant was transferred from one individual to another but none of the information concerning the legal qualifications of that new individual required by section II of the application form was provided. FCB must therefore file the necessary information with the presiding Administrative Law Judge within thirty days of the release of this Order.

7. Except as indicated by the issues specified below the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. As the proposals are for different communities, we will specify issues to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which proposal would better provide a fair, efficient and equitable distribution of radio service. We will also specify a contingent comparative issue, should such an evaluation of the proposals prove warranted.

8. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearings in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the heights and locations of the antenna towers proposed by A.G.A., Inc.

2. If a final environmental impact statement is issued with respect to the proposal of A.G.A., Inc., which concludes that the proposed facility is likely to have an adverse effect of the quality of the environment, to determine:

a. Whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1319 of the Commission's Rules and,

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

3. To determine: (a) The areas and populations which would receive primary aural service from the proposals and the availability of other primary service to such areas and populations, and (b) in light thereof and pursuant to section 307(j) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals, on a comparative basis, would better serve the public interest.

5. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

9. It is further ordered, that the Federal Aviation Administration is made a party to these proceedings.

10. It is further ordered, that the informal objection filed by Fundamental Christian Broadcasting is denied.

11. It is further ordered, that A.G.A., Inc., shall within thirty (30) days of the release of this Order, submit to the presiding Administrative Law Judge, an amendment to its application correcting the deficiencies set out in paragraph three (3) above.

12. It is further ordered, that § 1.1317 of the Commission's Rules is waived to the extent indicated herein. Within thirty (30) days of the release of this Order, A.G.A., Inc., shall submit an amendment to its application containing the required environmental narrative information (set out in paragraph four (4) above) required by § 1.1311 of the Commission's Rules to the presiding Administrative Law Judge, with a copy to the Chief, Audio Services Division.

13. It is further ordered, that the amendment filed by Fundamental Christian Broadcasting on November 22, 1985, is accepted for filing subject to the restrictions set out in paragraph six (6), above.

14. It is further ordered, that Fundamental Christian Broadcasting file the legal qualification information required by section II of the application form (FCC Form 301) for each new party to its application with the presiding Administrative Law Judge within thirty (30) days of the release of this Order.

15. It is further ordered, that in addition to the copy served on the Chief, Hearing Branch, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Room 350, 1919 M Street, NW., Washington DC 20554.

16. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the parties shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission, in triplicate, written appearances stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

17. It is further ordered, that pursuant to section 311(a) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed in the rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 86-4094 Filed 2-25-86; 8:45 am]

BILLING CODE 6712-01-M

Federal Advisory Committee for the 1987 ITU World Administrative Radio Conference for the Mobile Services; Meeting

February 21, 1986.

The sixth meeting of the Federal Advisory Committee for the 1987 Mobile World Administrative Radio Conference will be held on Friday, April 25, 1986, at 9:30 A.M. in the Commission Meeting Room 856, 1919 M Street, NW., Washington, DC.

The meeting agenda is:

1. Approval of meeting agenda.
2. Approval of the summary record of the March 10, 1986, meeting.
3. Report on administrative matters from designated federal employee.
4. Progress reports and consideration of draft proposals from Ad Hoc Group Chairmen:
   (a) Aeronautical,
   (b) Land Mobile,
   (c) Maritime,
   (d) Satellite,
   (e) Steering.
5. Report on technical matters under consideration in the U.S. CCIR organization relevant to the Mobile WARC.
6. Reports on international meetings bearing on the Mobile WARC.
7. Other business.
8. Selection of next meeting date.

Anyone desiring further information should contact Gordon Hempton, FCC/PRB at (202) 632-7175. These meetings are open to the public.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 86-4128 Filed 2-25-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreements pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC. Office of the Federal Maritime Commission, 1100 L. Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No. 202-010676-011.

Title: Mediterranean/U.S.A. Freight Conference.

Parties:

Atlanttrafik Express Service, Ltd.
Achille Lauro
C.I.A. Venezolana de Navegacion
Compania Trasatlantica Espanola, S.A.
Costa Container Lines
d'Amico Societa di Navigazione per Azioni
Farrell Lines, Inc.
Flota Mercante Grancolombiana S.A.
"Italia" di Navigazione, S.P.A.
Jugolinija
Jugooceanija
Lykes Lines
Nedlloyd Lines
Nordana Line/Dannebrog Line AS
Sea-Land Service, Inc.
Zim Israel Navigation Company, Ltd.

Synopsis: The modification provides for the calling of an emergency Owners' Meeting of the agreement. The parties have requested a shortened review period.

Agreement No. 024-010889.

Title: Port of Galveston Terminal Agreement.

Parties:

The Board of Trustees of the Galveston Wharves (Port)
Container Terminal of Galveston, Inc. (CTG)

Synopsis: The proposed agreement would permit the Port to lease the Galveston Wharves' East End Container Terminal to CTG to be operated as a public marine container terminal. The initial term of the agreement is one year with options for ten one-year extensions. The parties have requested a shortened review period.

Dated: February 21, 1986.

By Order of the Federal Maritime Commission.

John Robert Ewers,

Secretary.

[FR Doc. 86-4137 Filed 2-25-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Amsterdam-Rotterdam Bank N.V. et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 18, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Amsterdam-Rotterdam Bank N.V.*, Amsterdam, The Netherlands; to engage *de novo* through its subsidiary, The Private Bank & Trust, N.A., Miami, Florida, in trust company and investment and financial advisory activities, pursuant to § 225.25(b) (3) and (4). These activities would be conducted in the State of Florida.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Allied Bankshares, Inc.*, Thomson, Georgia; to engage *de novo* through its subsidiary, Financial Data Dimension, Inc., Thomson, Georgia, in the business of providing data processing and data transmission services and facilities to other financial institutions, pursuant to § 225.25(b)(7) of Regulation Y. Comments on this application must be received not later than March 13, 1986.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Mid Town Bancorp. Inc.*, Chicago, Illinios; to engage *de novo* through its subsidiary, Mid Town Development Corporation, Chicago, Illinois, in real estate development loans, real estate rehabilitation loans and other commercial and industrial loans. Some consumer finance, credit card and factoring activities may be engaged in by subsidiary, pursuant to § 225.25(b)(1) of Regulation Y. Comments on this application must be received not later than March 14, 1986.

Board of Governors of the Federal Reserve System, February 20, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-4068 Filed 2-25-86; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicated how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the office of the Board of Governors not later than March 15, 1986.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation*, Los Angeles, California; to acquire the remaining 75 percent of the outstanding common stock of EXCEL Business Systems, Inc. ("XCEL"), Mill Valley, California, a California corporation, and thereby engage through EXEL, as a wholly-owned subsidiary, in providing data processing and data transmission services and facilities to other financial institutions, pursuant to § 225.25(b)(7) of Regulation Y. Such activities will involve a packaged system including all applications needed to meet the data processing requirements of financial and banking institutions, including the processing of general ledgers, deposits and extensions of credit. The activities will be conducted from an office of EXCEL, located in Mill Valley, California, serving the United States and the District of Columbia.

Board of Governors of the Federal Reserve System, February 20, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-4069 Filed 2-25-86; 8:45 am]

BILLING CODE 6210-01-M

Shawnee Financial Services Corp. et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are

considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation woud not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 17, 1986.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Shawnee Financial Services Corporation*, Everett, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Everett Bank, Everett, Pennsylvania. Comments on this application must be received not later than March 20, 1986.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Premier Bancorporation, Inc.*, Libertyville, Illinois; to acquire 100 percent of the voting shares of Premier Financial Management, Inc., Libertyville, Illinois, thereby indirectly acquiring Zion State Bank and Trust Company, Zion, Illinois.

2. *Premier Financial Management, Inc.*, Libertyville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First Shiloh Bancshares, Inc., Zion, Illinois, thereby indirectly Zion State Bank and Trust Company, Zion, Illinois.

Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *J. R. Montgomery Bancorporation*, Lawton, Oklahoma; to acquire 11 percent of City National Bank and Trust Company, Lawton, Oklahoma.

2. *Kanbanc, Inc.*, Overland Park, Kansas; to become a bank holding company by acquiring 50.01 percent of the voting shares of Citizens State Bank of Pomona, Pomona, Kansas and 50.02 percent of the voting shares of The Hepler State Bank, Hepler, Kansas. Comments on this application must be received not later than March 20, 1986.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Oaklawn Financial Corporation*, Texarkana, Texas; to acquire 100 percent of the voting shares of First Bank and Trust, New Boston, New Boston, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, February 20, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-4070 Filed 2-25-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Delegation of Authority; Health Resources and Services Administration

Notice is hereby given that in furtherance of the authorities vested in the Administrator, Health Resources and Services Administration (HRSA), by the Secretary of Health and Human Services' Reorganization Order of September 1, 1982, the Administrator, HRSA, has delegated the following authorities under Title III of the Public Health Service Act, as amended:

Authority	To whom delegated	Area of responsibility
Authority under section 301 (42 U.S.C. 241) relative to research, investigation, and functions;	HRSA Bureau Directors.	Their respective bureaus.
Authority under section 311 (42 U.S.C. 243) concerning Federal-State cooperation;	HRSA Bureau Directors.	Their respective bureaus.
Authority under section 320 (42 U.S.C. 255) concerning receipt, apprehension, detention, treatment, and release of lepers;	Director BHCDA.	BHCDA
Authority under section 321 (42 U.S.C. 248) relative to hospitals;	Directors, BHCDA & IHS.	Their respective bureaus.
Authority under section 322 (42 U.S.C. 249) relative to care and treatment of persons under quarantine and other persons, except the authority to provide mental health care for the Haitian/Cuban Initiative which is the functional responsibility of the Alcohol, Drug Abuse, and Mental Health Administration;	Directors, BHCDA & IHS.	Their respective bureaus.
Authority under section 323 (42 U.S.C. 250) concerning the care and treatment of Federal prisoners;	Director, BHCDA.	BHCDA.
Authority under section 324 (42 U.S.C. 251) concerning the examination and treatment of Federal employees, excluding those authorities delegated to PHS Regional Health Administrators (RHAs);	Director BHCDA.	BHCDA.
Authority under section 324 (42 U.S.C. 251) and the authorities of the Secretary under 5 U.S.C. 7901 pertaining to the FEOH program, including the authority to enter into interagency or intra-agency agreements, but excluding agreements that are national or multiregional in scope. Also included is the authority for the day-to-day operation of FEOH units in accordance with the terms of the interagency agreements;	RHAs	Their respective regions.
Authority under section 324(b) (42 U.S.C. 251b) concerning medical care for Federal employees and their dependents at remote facilities of IHS;	Director, IHS	IHS.
Authority under section 325 (42 U.S.C. 252) concerning the examination of aliens;	Directors, BHCDA & IHS.	Their respective bureaus.
Authority under section 326 (42 U.S.C. 253) concerning services to Coast Guard, Coast and Geodetic Survey, and Public Health Service;	Director, BHCDA.	BHCDA.
Authority under section 327 (42 U.S.C. 254) concerning interdepartmental work;	HRSA Bureau Directors.	Their respective bureaus.
Authority under section 327A (42 U.S.C. 254a) as it pertains to the sharing of medical care facilities and resources under the jurisdiction of the Administrator, Health Resources and Services Administration;	HRSA Bureau Directors.	Their respective bureaus.
Authority under section 328 (42 U.S.C. 254a-1) relative to hospital affiliated primary care centers, excluding those authorities delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 328 (42 U.S.C. 254a-1) to award grants to community hospitals to support demonstration projects in the planning, development, and operation of hospital-affiliated primary care centers other than grants that are national or multiregional in scope;	RHAs	Their respective regions.

Authority	To whom delegated	Area of responsibility
Authority under section 329 (42 U.S.C. 247d) relative to Migrant Health Centers, excluding those authorities delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 329 (42 U.S.C. 247d) to award grants for migrant health centers, excluding grants that are national or multiregional in scope;	RHAs	Their respective regions.
Authority under section 330 (42 U.S.C. 254c) relative to Community Health Centers, excluding those authorities delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 330 (42 U.S.C. 254c) to award grants for community health centers, excluding grants that are national or multiregional in scope;	RHAs	Their respective regions.
Authority under section 331 (42 U.S.C. 254d) relative to the National Health Service Corps;	Director, BHCDA.	BHCDA.
Authority under section 332 (42 U.S.C. 254e) relative to the designation of health manpower shortage areas, excluding section 332h(h) (42 U.S.C. 254e(h));	Director, BHPr.	BHPr.
Authority under section 332(h) (42 U.S.C. 254e(h)) relative to information programs pertinent to the designation of health manpower shortage areas;	Director, BHCDA.	BHCDA.
Authority under section 333 (42 U.S.C. 254f) relative to the assignment of Corps personnel to provide health services in or to a health manpower shortage area;	Director, BHCDA.	BHCDA.
Authority under section 334 (42 U.S.C. 254g) relative to cost sharing factors regarding the National Health Service Corps Program, excluding the authority delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 334b (42 U.S.C. 254g(b)) relative to the waiver authority for entities, excluding the waiver of loans approved under section 335(c);	RHAs	There respective regions.
Authority under section 335 (42 U.S.C. 254h) as it pertains to the provision of health services by Corps members, excluding those authorities delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 335(c) (42 U.S.C. 254h(c)) to negotiate and award loans to entities;	RHAs	Their respective regions.
Authority under section 336 (42 U.S.C. 254a(h)) relative to the preparation for practice under the NHSC Scholarship Program;	Director, BHCDA.	BHCDA.
Authority under section 338A (42 U.S.C. 254(l) relative to the National Health Service Corps Scholarship Program;	Director, BHCDA.	BHCDA.
Authority under section 338B (42 U.S.C. 254m) concerning obligated service of an individual as a member of the National Health Service Corps;	Director, BHCDA.	BHCDA.
Authority under section 338C (42 U.S.C. 254n) concerning release from Corps service obligation to enter into private practice, excluding the authorities delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 338C(e)(1) (42 U.S.C. 254n) to negotiate and award loans to NHSC scholarship recipients for establishing private practices;	RHAs	Their respective regions.
Authority under section 338D (42 U.S.C. 254o) to take action relative to an individual's breach of Corps scholarship contract, including the waiver authority pertaining to the Indian Health Scholarship Program;	Director, BHCDA.	BHCDA.
Authority under section 338E (42 U.S.C. 254p) concerning special loans for former Corps members to enter private practice, excluding the authorities delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 338E (42 U.S.C. 254p) to negotiate and award loans to assist NHSC scholarship recipients in meeting the costs of establishing their private practices	RHAs	Their respective regions.
Authority under section 338G (42 U.S.C. 254r) concerning the Indian Health Scholarship Program, excluding the waiver authority under section 338D as it pertains to the Indian Health Scholarship Program;	Director, IHS	IHS.
Authority under section 339 (42 U.S.C. 255) relative to the Home Health Services, excluding the authorities delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 339(a) (42 U.S.C. 255) to make grants to public and nonprofit private entities and loans to proprietary entities to meet the inital costs of establishing and operating home health programs, excluding grants that are national or multiregional in scope;	RHAs	Their respective regions.
Authority under section 339(b) (42 U.S.C. 255) to make grants to public and private entities to assist them in developing appropriate training programs for paraprofessionals (including homemaker home health aides) to provide home health services, other than grants that are national or mutiregional in scope;	RHAs	Their respective regions.
Authority under section 340 (42 U.S.C. 256) relative to Primary Care Research and Demonstration Projects subject to the limitations set forth in section 340(c)(1) and section 340(g)(4) of the Public Health Service Act, excluding the authorities delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 340 (42 U.S.C. 256) to administer grants for primary care research and demonstration projects, subject to the limitations set forth in section 340(c)(1) and section 340(g)(4), excluding grants that are national or multiregional in scope;	RHAs	Their respective regions.
Authority under section 340A (42 U.S.C. 256a) concerning Technical Assistance Demonstration Grants and Contracts, excluding the authorities delegated to RHAs;	Director, BHCDA.	BHCDA.
Authority under section 340A (42 U.S.C. 256a) to administer technical assistance demonstration grants to public and private entities to assist such entities in meeting their costs of providing technical assistance to entities engaged in the planning, development, or operation (or any combination of such activities) of migrant health centers under section 329, community health centers under section 330, or any other centers for the delivery of primary health care;	RHAs	Their respective regions.

Authority	To whom delegated	Area of responsibility
Authority under Part H (Sections 371–376) (42 U.S.C. 273 et. seq.) relative to organ transplants;	Director, Office of Organ Transplantation.	Office of Organ Transplantation.

These authorities may be redelegated.

All previous delegations have been superseded. Provision was made for all previous redelegations to continue in effect pending further redelegation.

This delegation was effective upon date of signature.

Dated: February 14, 1986.

John H. Kelso,

Acting Administrator, Health Resources and Services Administration.

[FR Doc. 86–4084 Filed 2–25–86; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the following Subcommittees of the Arthritis, Diabetes, and Digestive and Kidney Diseases Special Grants Review Committee for March 1986, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

The publication of this meeting notice is late as the committee has recently been established and the committee members approved.

These meetings will be open to the public to discuss administrative matters for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. The meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

After the meetings, Mrs. Carole Frank, Committee Management Officer, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, National Institutes of Health, Building 31, Room 9A19, Bethesda, Maryland 20892 (Telephone: 301–496–6917), will provide a summary of the meetings and rosters of committee members. Substantive program information may be obtained from the executive secretary of each Subcommittee whose name, room number, and telephone number are listed below.

Name of committee: Arthritis, Diabetes, and Digestive and Kidney Diseases Special Grants Review Committee (ADDK).

Name of subcommittee: ADDK–A.

Executive secretary: Ms. Tommie Sue Tralka, Room 406, Westwood Building, Telephone: 301–496–8830.

Dates of meeting: March 4–5, 1986.

Place of meeting: Linden Hill Hotel, Bethesda, MD.

Open: March 4, 1986, 7:30 p.m.–8:30 p.m.

Closed: March 4, 1986, 8:30 p.m.–11:30 p.m.; March 5, 1986, 8:30 a.m.–adjournment.

Name of subcommittee: ADDK–B.

Executive secretary: Dr. Michael K. May, Room 419, Westwood Building, Telephone: 301–496–7697.

Dates of meeting: March 3–4, 1986.

Place of meeting: Linden Hill Hotel, Bethesda, MD.

Open: March 3, 1986, 8:30 a.m.–9:30 a.m.

Closed: March 3, 1986, 9:30 a.m.–5:00 p.m.; March 4, 1986, 8:30 a.m.–adjournment.

Name of subcommittee: ADDK–C.

Executive secretary: Dr. Michael K. May, Room 419, Westwood Building, Telephone: 301–496–7697.

Dates of meeting: March 11–12, 1986.

Place of meeting: Linden Hill Hotel, Bethesda, MD.

Open: March 11, 1986, 9:00 a.m.–10:00 a.m.

Closed: March 11, 1986, 10:00 a.m.–5:00 p.m.; March 12, 1986, 8:30 a.m.–adjournment.

Name of subcommittee: ADDK–D.

Executive secretary: Ms. Tommie Sue Tralka, Room 406, Westwood Building, Telephone: 301–496–8830.

Dates of meeting: March 11–12, 1986.

Place of meeting: Linden Hill Hotel, Bethesda, MD.

Open: March 11, 1986, 7:30 p.m.–8:30 p.m.

Closed: March 11, 1986, 8:30 p.m.–11:30 p.m.; March 12, 1986, 8:00 a.m.–adjournment.

Dated: February 24, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–4326 Filed 2–25–86; 11:12 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted to the Office of Management and Budget for Review

February 5, 1986.

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Application for Training or Employment Assistance, 25 CFR Parts 26 and 27.

Abstract: This form requests information on the age, marital status, employment, education and income of applicants for training or employment assistance. This information is used to determine applicant's eligibility and how much financial assistance is needed.

Bureau Form Number: BIA 8205.

Frequency: On occasion.

Description of Respondents: Individuals or households.

Annual Responses: 6,400.

Annual Burden Hours: 3,200.

Bureau clearance officer: Cathie Martin, 202–343–1676.

Ross O. Swimmer,

Assistant Secretary, Indian Affairs.

[FR. Doc. 86–4072 Filed 2–25–86; 8:45 am]

BILLING CODE 4310–02–M

Information Collection Submitted to the Office of Management and Budget for Review

February 5, 1986.

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should

be made directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Demonstrated Expansion (Letter), 25 CFR Part 27.

Abstract: To determine if OJT contractor is eligible for extension of contract beyond two years this letter requests information on enterprise's expansion for the past two years, number of additional trainees the enterprise will train, and how many trainees, who have completed training, has the enterprise employed or assisted in finding employment elsewhere.

Bureau Form Number: None.

Frequency: Annually.

Description of Respondents: Small businesses or organizations.

Annual Responses: 10.

Annual Burden Hours: 5.

Bureau clearance officer: Cathie Martin, 202–343–1676.

Ross O. Swimmer,

Assistant Secretary, Indian Affairs.

[FR Doc. 86–4071 Filed 2–25–86; 8:45 am]

BILLING CODE 4310-02-M

Fish and Wildlife Service

Receipt of Application for Permit; Endangered and Threatened Species

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–703529

Applicant: Paul E. Moler, Gainsville, FL

The applicant requests a permit to import a blood sample of an Orinoco crocodile (*Crocodylus intermedius*) from Mr. John Thorbjarnarson of Calabozo, Venezuela, for the purpose of scientific research.

PRT–703457

Applicant: Pamela Bompart, Helena, MT

The applicant requests a permit to import eight captive-bred golden parakeets (*Aratinga guarouba*) from Carterton Breeding Avairies, Oxford, England for enhancement of propagation of the species.

PRT–686387

Applicant: Bill Burnhana/Peregrine Fund, Inc., Boise, ID

The applicant requests an amendment to his permit to take, capture, collect, and salvage American peregrine falcons (*Falco peregrinus anatum*) and/or their eggs for scientific research and enhancement of survival to include the States of Oregon and Washington.

PRT–703507

Applicant: Washington Park Zoo, Portland, OR

The applicant requests a permit to import one male and two female Francois' langurs (*Presbytis francoisi*) from Chongging Zoo, Chongging, China, for enhancement of propagation of the species.

PRT–703926

Applicant: Frank Buck Bring 'Em Back Alive, Inc., Sarasota, FL

The applicant requests a permit to purchase 0.4 Asian elephants (*Elephas maximus*) from John Cuneo of Hawthorn Circus Corporation, Grayslake, IL, for the purpose of enhancement of propagation.

PRT–702013

Applicant: Lorne E. Hanna, Corvallis, OR

The applicant requests a permit to engage in interstate and foreign commerce with the following species of endangered or threatened cactus species: *Cereus eriophorous* var. *fragrans, Coryphantha minima, C. sneedii* var. *leii, C. sneedii* var. *sneedii, Echinocereus fendleri* var. *kunzleri,* and *E. triglochidiatus* var. *inermis.*

PRT–697830

Applicant: U.S. Fish & Wildlife Service, Regional Director, Region 3, Minneapolis, MN

The applicant requests an amendment to their current permit to take piping plovers (*Charadrius melodus*) and least terns (*Sterna antillarum*) for scientific purposes and the enhancement of propagation or survival in accordance with Recovery Plans, listing, or other Service work for those species.

PRT–703246

Applicant: Milwaukee County Zoological Gardens, Milwaukee, WI

The applicant requests a permit to import one Asian elephant (*Elephus maximus*) from Rangoon Zoo, Burma, for the purpose of enhancement of propagation of the species.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: February 20, 1986.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 86–4153 Filed 2–25–86; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[AA–54980]

Alaska Native Claims Selection; Cook Inlet Region, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(e) and section 12(b)(6) of the Act of January 2, 1976, 43 U.S.C. 1611 nt, will be issued to Cook Inlet Region, Inc., for approximately 171 acres. The lands involved are in the vicinity of Tps. 6, 7 and 8 N., R. 8 W., Copper River Meridian, Alaska.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the COPPER VALLEY VIEWS. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision shall have until March 28, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Olivia Short,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86–4130 Filed 2–25–86; 8:45 am]

BILLING CODE 4310-JA-M

California; Proposed Reinstatement of Terminated Oil and Gas Lease

A petition for reinstatement of oil and gas lease CA 14517, embracing lands in the State of California, County of Kern,

was timely filed and accompanied by all the required rentals and royalties accruing from December 1, 1985, the date of termination.

The lessee has agreed to new lease terms for rental at the rate of $10.00 per acre or fraction thereof and royalty at a rate of not less than 16⅔ percent, computed on a sliding scale four percentage points greater than the competitive royalty schedule in the original lease. The lessee has paid the required $500.00 administrative fee and has reimbursed the Bureau of Land Management for the estimated cost of this Federal Register notice.

The lessee having met all the requirements for reinstatement of the lease as set forth out in section 31 (d) and (e) of the Minerals Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease effective December 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: February 18, 1986.

Joan B. Russell,

Chief, Leasable Minerals Section Branch of Lands & Minerals Operations.

[FR Doc. 86-4073 Filed 2-25-86; 8:45 am]

BILLING CODE 4310-40-M

[Group 918]

California; Filing of Plat of Survey

February 7, 1986.

1. These plats of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Marin County

T. 1 S., R. 6 W.

2. These plats, in three (3) sheets, representing the administrative survey of a portion of the upland boundaries of Parcel 2 of the former Marin Headlands, State Park, within the Golden Gate National Recreation Area in Township 1 South, Range 6 West, Mount Diablo Meridian, California, under Group No. 918, California, were accepted January 13, 1986.

3. These plats will immediately become the basic record of describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. These plats were executed to meet certain administrative needs of the Bureau of Land Management and the National Park Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room #2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief Records and Information Section.

[FR Doc. 86-4076 Filed 2-25-86; 8:45 am]

BILLING CODE 4310-40-M

[Group 929]

California; Filing of Plat of Survey

February 7, 1986.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Trinity County

T. 32 N., R. 10 W.

2. This plat, representing the dependent resurvey of a portion of the subdivision-of-section lines and the metes-and-bounds survey of Lot 28, in section 1, Township 32 North, Range 10 West, Mount Diablo Meridian, California, under Group No. 929, California, was accepted January 22, 1986.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief Records and Information Section.

[FR Doc. 86-4075 Filed 2-25-86; 8:45 am]

BILLING CODE 4310-40-M

[C-2-86]

California; Filing of Plat of Survey

February 7, 1986.

1. This supplemental plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, Riverside County

T. 2 N., R. 2 E.

2. This supplemental plat of section 19, Township 2 North, Range 2 East, San Bernardino Meridian, California, was accepted January 13, 1986.

3. This supplemental plat will immediately become the basic record of describing the land for all authorized purposes. This supplemental plat has been placed in the open files and is available to the public for information only.

4. This supplemental plat was executed to meet certain administrative needs of the Bureau of Land Management and the U.S. Department of Agriculture, Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 86-4074 Filed 2-25-86; 8:45 am]

BILLING CODE 4310-40-M

Realty Action; Wind Energy Rights-of-Way; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Competitive Bid Offer on Rights-of-Way for Wind Energy Development near Tehachapi, California.

SUMMARY: The following described public lands have been examined and identified as suitable for wind energy development through the issuance of rights-of-way under section 501 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2776, 43 U.S.C. and 43 CFR, Part 2800, at no less than the fair market value.

Serial No.	Legal description	Acres	Minimum appraised value
CA 18759	Mount Diablo Meridian, California, T. 32 S., R. 35 E., Sec. 34, W½NE¼, SE¼NE¼, SE¼, San Bernardino Base and Meridian, California.	280	$18,500
CA 18760	T. 11 N., R. 14 W., Sec. 34, SE¼	160	10,600
CA 18761	T. 10 N., R. 14 W., Sec. 8, E½SW¼	480	31,700
CA 18762	T. 10 N., R. 14 W., Sec. 10, W½	320	21,000
CA 18763	T. 10 N., R. 15 W., Sec. 24, Lots 3-6, 11-14	375.40	25,000
CA 18764	T. 10 N., R. 14 W., Sec. 10, E½	320	21,000
CA 18765	T. 10 N., R. 15 W., Sec. 24, Lot 1, 2, 7-10, 15, 16	378.63	25,000

SUPPLEMENTARY INFORMATION: The objectives of the Bureau of Land Management (BLM) are to:

(1) Ensure timely and orderly development of this important resource in a manner compatible with the use of the public lands for other purposes;

(2) Assure that wind development and production is conducted with maximum protection of the environment; and

(3) Assure the public a fair return for the use of public lands and the use of its renewable resources.

(4) Foster diligent development and production of the wind resources by sound companies using proven technology, rather than focusing on experimental research and development.

The schedule of this right-of-way includes:

(1) Conducting competitive bidding for the development rights on the offered parcels;

(2) Issuance of rights-of-way to the successful bidders;

(3) Submission of detailed plans of development and site specific Environmental Assessments (EAs) prepared to BLM requirements by the right-of-way grantees within twelve months of issuance of the rights-of-way;

(4) Issuance of Notices to Proceed upon (a) BLM review and approval of the plans and EAs, and (b) grantees' submission of reclamation bonds and funds to reimburse BLM expenses to be incurred in monitoring the rights-of-way activity.

The annual rental on a parcel will be the greater amount of (1) the basic annual site rental, which must be at least the appraised value shown above, or (2) 4% of the annual gross revenues received from the sale of electrical energy produced from the wind resources.

Competitive bidding procedures are being used in this offer. Each parcel will be offered for wind energy development rights by sealed bid only. All sealed bids must be submitted to BLM's Ridgecrest Resource Area Office at 112 East Dolphin Street, Ridgecrest, California 93555 no later than April 14, 1986. Sealed bids will be for not less than the appraised values specified in this notice with a separate bid submitted for each parcel. Each sealed bid shall be accompanied by a certified check, postal money order, bank draft or cashier's check made payable to the Department of the Interior, BLM for not less than 10% of the amount of the bid. The sealed bid envelopes must be marked on the front left corner as shown in the following example:

Tehachapi Wind Energy Rights-of-Way Notice of Realty Action
Serial No. —
Final Bid Date—April 14, 1986

If two or more envelopes containing valid bids of the same amount are received for the wind energy parcels, the determination of which is considered the highest bid shall be by supplemental biddings. Bidders must be authorized to do business in the State of California. The apparent successful bidders will be required to demonstrate technical and financial capability to construct, operate, maintain and terminate the proposal. The remaining 90% of the bid amount shall be submitted prior to issuance of the rights-of-way. The rights-of-way will be subject to valid existing rights. Natural resource and land use constraints may limit development on portions of the parcels. Each right-of-way will contain general and site specific sitpulations.

FOR FURTHER INFORMATION CONTACT: To receive a copy of a sample right-of-way or for additional information, contact the BLM's Ridgecrest Resource Area Office at (619) 375–7125, 112 East Dolphin Street, Ridgecrest, California 93555.

Dated: February 12, 1986.

Hugh Riecken,

Acting District Manager.

[FR Doc. 86–3727 Filed 2–25–86; 8:45 am]

BILLING CODE 4310–40–M

Minerals Management Service

Outer Continental Shelf; Development Operations Coordination Document; Chevron U.S.A. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposal Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 5019, Block 530, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on February 14, 1986. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Rules and Production, Plans, Platform and Pipeline Section; Exploration/Development Plans Unit, Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: February 18, 1986.

J. Rogers Pearcy,

Acting Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–4077 Filed 2–25–86; 8:45 am]

BILLING CODE 4310–MR–M

Outer Continental Shelf; Development Operations Coordination Document; Diamond Shamrock Offshore Partners Ltd.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Diamond Shamrock Offshore Partners Limited Partnership has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4912, Block 117, Main Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on February 13, 1986. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Rules and Production, Plans, Platform and Pipeline Section; Exploration/Development Plans Unit, Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: February 18, 1986.

J. Rogers Pearcy,

Acting Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–4078 Filed 2–25–86; 8:45 am]

BILLING CODE 4310–MR–M

Outer Continental Shelf; Development Operations Coordination Document; ODECO Oil & Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that ODECO Oil & Gas Company, Unit Operator of the Ship Shoal Block 113 Federal Unit Agreement No. 14–08–001–2931, submitted on February 13, 1986, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Ship Shoal Block 113 Federal unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering appoval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 No. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local goyernments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 18, 1986.

J. Rogers Pearcy,

Acting Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–4079 Filed 2–25–86; 8:45 am]

BILLING CODE 4310–MR–M

Outer Continental Shelf; Development Operations Coordination Document; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4888, Block 292, South Timbalier Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on February 14, 1986.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: February 18, 1986.

J. Rogers Pearcy,

Acting Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-4149 Filed 2-25-86; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Amdt. No. 1 to Delegation of Authority No. 133]

Authority Delegations; Assistant Administrator for Asia

A. AID Delegation of Authority No. 133, dated December 11, 1981 (46 FR 62337, December 23, 1983), is amended as follows:

1. *Section 4. Authorities Delegated to Assistant Administrators.*

a. Paragraph a. is amended by deleting "the Assistant Administrator for Near East" and by inserting "and Near East" after "the Assistant Administrator for Asia";

b. Subparagraph (1)(a) is deleted in its entirety and subparagraphs (1)(b), (1)(c) and (1)(d) are redesignated (1)(a), (1)(b) and (1)(c) respectively; and

c. Subparagraph (2)(a) is deleted in its entirety and subparagraphs (2)(b) and (2)(c) are redesignated (2)(a) and (2)(b), respectively.

2. *Section 5. Authorities That May be Redelegated to AID/Washington Officers.*

Section 5 is amended in its entirety to read as follows:

Section 5. Authorities That May be Redelegated to AID/Washington Officers.

a. Assistant Administrators may redelegate the authorities delegated under section 4 to Deputy Assistant Administrators.

b. The Senior Assistant Administrator for Science and Technology may redelegate the authorities under section 4 to the Agency Directors, except the authority to authorize a project when the life of project funding exceeds $20 million and the authority to amend a project authorization when the amendment will result in a total life of project funding of more than $30 million may be redelegated ony on a project-by-project basis.

c. Authorities redelegated hereunder may be exercised by persons performing the functions of the designated AID/Washington officer in an "Acting" capacity but may not be redelegated.

3. *Section 6. Authorities That May be Redelegated to Principal Officers of Field Offices.*

a. Paragraph c. is redesignated d.; and

b. A new paragraph c. is added as follows:

c. The authority to authorize a project when the life of project funding exceeds $20 million and the authority to amend a project authorization when the amendment will result in a total life of project funding of more than $30 million may be redelegated only on a project-by-project basis based on policy, programmatic and staffing considerations.

B. Effective Date: This amendment is effective February 10, 1986.

Dated: February 10, 1986.

Jay F. Morris,

Acting Administrator.

[FR Doc. 86-4066 Filed 2-25-86; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[332-223]

The Impact of Increased U.S.-Mexican Trade on Southwest-Border Development; Public Hearing

AGENCY: International Trade Commission.

ACTION: Scheduling of additional public hearing.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Jose Mendez (202-523-8267), Research Division, Office of Economics, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202-523-8267).

Background

The Commission instituted investigation No. 332-223, The Impact of Increased U.S.-Mexican Trade on Southwest-Border Development, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) following receipt on November 25, 1985, of a request therefor from the Committee on Finance of the United States Senate.

Public Hearings

The Commission will hold a public hearing in connection with this investigation in San Diego, California on April 10, 1986. This hearing is in addition to two public hearings to be held in McAllen, Texas on April 7, 1986 and El Paso, Texas on April 8, 1986. The exact location and times of these hearings shall be announced at a later date. All persons shall have the right to appear, by counsel or in person, to present information to be heard. Requests to appear at the public hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on March 24, 1986. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs. The deadline for filing prehearing briefs is March 26, 1986.

Written Submissions

In lieu of or in addition to appearances at the public hearings, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commissions' *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be received no later than March 24, 1986. All submissions should be addressed to the Secretary, U.S. International Trade Commission, Washington, DC 20436.

Posthearing briefs must be submitted not later than the close of business on April 21, 1986. A signed original and 14 true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's Rules (19 CFR 201.8).

Hearing-impaired persons are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724-0002.

Issued: February 19, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-4139 Filed 2-25-86; 8:45 am]

BILLING CODE 7020-02-M

Agency Form Submitted for OMB Review

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

PURPOSE OF INFORMATION COLLECTION: The proposed information collection is for use by the Commission in connection with investigation No. 332–224, Competitive Conditions in the U.S. Tuna Industry, instituted under the authority of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332).

SUMMARY OF PROPOSAL:

(1) Number of forms submitted: One.

(2) Title of form: Competitive Conditions in the U.S. Tuna Industry—Questionnaire for U.S. Tuna Boat Owners.

(3) Type of request: New.

(4) Frequency of use: Nonrecurring.

(5) Description of respondents: Firms or individuals that own tuna fishing boats.

(6) Estimated number of respondents: 85.

(7) Estimated total number of hours to complete the forms: 1,275.

(8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

ADDITIONAL INFORMATION OR COMMENT: Copies of the proposed form and supporting documents may be obtained from Roger L. Corey, Jr., (USITC, tel. no. 202–724–1759). Comments about the proposal should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Attention: Francine Picoult, Desk Officer for U.S. International Trade Commission. Any comments should be specific, indicating which part of the questionnaire or study plan is objectionable and describing the problem in detail. IF YOU ANTICIPATE COMMENTING ON A FORM BUT FIND THAT TIME TO PREPARE COMMENTS WILL PREVENT YOU FROM SUBMITTING THEM PROMPTLY YOU SHOULD ADVISE OMB OF YOUR INTENT WITHIN TWO WEEKS OF THE DATE THIS NOTICE APPEARS IN THE **Federal Register**. Ms. Picoult's telephone number is 202–395–7231. Copies of any comments should be provided to Charles Ervin (United States International Trade Commission, 701 E Street, NW., Washington, DC 20436).

Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724–0002.

Issued: February 21, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–4138 Filed 2–25–86; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Indexing the Annual Operating Revenues of Railroads and Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The Interstate Commerce Commission has adopted a methodology for indexing gross annual operating revenues for railroads and motor carriers of property to eliminate the effects of inflation from the classification process. The Commission's price deflator formula will provide assurances that carriers are moved to a higher classification because of real business expansion and not from inflationary consequences.

The annual average Railroad Freight Price Index will be used as the railroad deflator. The annual average Producer Price Index for all commodities will be used as the motor carrier deflator. Each index is developed by the Bureau of Labor Statistics. The base years for railroads and motor carriers are 1978 and 1980, respectively. The deflators for 1983, 1984, and 1985 are:

	Railroads—Railroad freight index			Motor carriers of property—Producer prices index	
	Index	Deflator percent		Index	Deflator percent
1978	213.1		1980	252.4	
1983	335.8	59.89	1983	284.6	88.69
1984	372.2	57.25	1984	290.4	86.91
1985	374.8	56.86	1985	291.9	86.47

EFFECTIVE DATE: January 1, 1986.

FOR FURTHER INFORMATION CONTACT: Leonardo A. Rodriguez or William G. Norris (202) 275–7510.

James H. Bayne,

Secretary

[FR Doc. 86–4122 Filed 2–25–86; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30771]

Burlington Northern Railroad Co.; Trackage Rights, Spokane International Railroad Co.

The Spokane International Railroad Company (SI) has agreed to grant overhead trackage rights to the Burlington Northern Railroad Company (BN) between Spokane (milepost 8.24) and Carders (milepost 2.49), WA. The trackage rights will be effective on April 1, 1986.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. A filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption any employee affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: February 18, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86–4123 Filed 2–25–86; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30777]

The Great Western Railway Co.; Modified Rail Certificate

On January 21, 1986, a notice was filed by the Great Western Railway Co. (GWR) seeking a modified certificate of public convenience and necessity under 49 CFR Part 1150, Subpart C. GWR is authorized to serve a 54.45-mile line of railroad known as the Lakeview Branch that was formerly owned and operated by Southern Pacific Transportation Company (SPT). The line extends from milepost 458.60 in Alturas, CA to milepost 513.05 in Lakeview, OR, and connects with SPT at Alturas.

By certificate and decision served October 19, 1985, in Docket No. AB–12 (Sub-No. 84), SPT was authorized to abandon the line. The County of Lake, OR then acquired the line from SPT, and by and through the Lake County Railroad Commission negotiated an agreement with GWR under which GWR will operate the line, effective January 17, 1986.

This notice will be served on the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreements, and on the American Short Line Railroad Association.

Dated: February 18, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86–4124 Filed 2–25–86; 8:45 am]

BILLING CODE 7035–01–M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at 200 Clarendon Street, Floor T27, Boston Massachusetts on March 24 and 25, 1986 beginning at 8:30 a.m. each day.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the subject of the meeting falls within the exceptions of the open meeting requirement set forth in Title 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: February 21, 1986.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for Enrollment of Actuaries.

[FR Doc. 86-4119 Filed 2-25-86; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Act of 1984; Computer Aided Manufacturing-International, Inc.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98–462 ("the Act"), Computer Aided Manufacturing-International, Inc. '(CAM–I") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership of CAM–I. CAM–I previously filed a written notification disclosing (1) the identities of the parties to CAM–I and (2) the nature and objectives of CAM–I. Notice of this filing was published in the Federal Register on January 24, 1985. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the current parties to Computer Aided Manufacturing-International, Inc. and its general areas of planned activities are given below.

Computer Aided Manufacturing-International, Inc. was incorporated as a membership organization in May 1972, for the purpose of sponsoring joint research and development in the use of computer systems and software to improve the productivity of industry. Its members contribute to, and with the assistance of professional staff, plan and contract for, basic research and development projects in such areas as geometric modeling, process planning, advanced numerical control, sculptured surfaces, robotics automation, quality assurance, factory management, and electronics automation. Upon completion, including testing and evaluation, the results of the projects are made available to the public for a fee. The members include corporations, government agencies, and educational institutions located in the United States, Europe, and Japan.

The current industrial member companies in the United States are: Allied Bendix Aerospace; Kansas City Division; Avco Aerostructures Division; Boeing Computer Services; Caterpillar Tractor Company; Coopers & Lybrand; Deere & Company; Digital Equipment Corporation; E.I. Du Pont de Nemours & Co., Inc.; Eastman Kodak Company; Eaton Corporation; Electronic Data Systems; FMC Corporation; Ford Motor Company; General Dynamics/Convair Division; General Dynamics/Fort Worth; General Electric Company; Grumman Aerospace Corporation; GTE Government Systems Corporation; Hughes Aircraft Company; Lawrence Livermore National Laboratory; Litton IST; Lockheed Missiles & Space Co., Inc.; Lockheed-Georgia Company; Los Alamos National Laboratory; Martin Marietta Data Systems; Martin Marietta Energy Systems, Inc.; McDonnell Douglas Corporation; Morton Thiokol, Inc.; Northrop Aircraft Corporation; Optical Gaging Products, Inc.; Sandia National Laboratories; SEI Information Technology; Sheffield Measurement Division; Warner & Swasey Co.; United Technologies Corporation; USAF AFWAL/MLTC; and Westinghouse Electric Corporation.

The current industrial member companies in Europe are: Aerospatiale (France); Asea AB (Sweden); British Aerospace Aircraft Group (United Kingdom); Construcciones Aeronauticas, S.A. (Spain); Daimler-Benz AG (West Germany); Evans & Sutherland (England); Factron Schlumberger (England); Fiat S.p.A (Italy); GEC Electrical Projects, Ltd. (England); Hewlett Packard GmbH (Federal Republic of Germany); Ingersoll Engineers (England); ITT AMT-Center (Belgium); IVF (Sweden); Lucas Group Services Limited (England); M.A.N. AG (Federal Republic of Germany); Matra-Datavision, S.A. (France); Messerschmitt-Bolkow-Blohm GmbH (West Germany); Nuovo Pignone S.p.A. (Italy); Philips International B.V. (The Netherlands); Prime Computer CAD/CAM Ltd. (England); Racal-Redac Ltd. (England); Raggruppamento Selenia Elsag (Italy); Renault Automation (France); Saab-Scania (Sweden); Sandvik AB Coromant (Sweden); Short Brothers Limited (Northern Ireland); Siemens AG (West Germany); Sperry Corporation (England); STC International Computers Ltd. (United Kingdom); Technical Research Centre of Finland (Finland); The Plessey Company PLC (England); TNO Metaalinstituut (The Netherlands); Valmet Corporation (Finland); Volkswagenwerk AG (West Germany); and Waldrich Coburg GmbH (Federal Republic of Germany).

Current industrial member companies in Japan are: Computer Services Corporation; Daikin Industries, Ltd.; Fujitsu Limited; Hitachi, Ltd.; Honda Engineering Co., Ltd.; Japan Information Services, Ltd.; Kawasaki Heavy Industries, Ltd.; Matsushita Electric Industrial Co., Ltd.; Mitsubishi Electric Corporation; Nachi Fujikoshi Corporation; NEC Corporation; Nippon Telegraph & Telephone Public Corp.; Nippon Univac Kaisha, Ltd.; Oki Electric Industry Co., Ltd.; Sanyo Electric Company, Ltd.; Shoko Co., Ltd.; and Toshiba Corporation.

Current educational members in the United States are: Bradley University; Bringham Young University; California Polytechnic State University; Carnegie-Mellon University; Cornell University; Iowa State University; Lehigh University; Massachusetts Institute of Technology; Michigan State University; New Mexico State University; North Carolina State University; Oklahoma State University; Pennsylvania State University; Rensselaer Polytechnic Institute; Texas A & M University; University of New Orleans; University of Oklahoma; University of Rochester; University of Texas at Arlington; and Wichita State University.

Current educational members in Europe are: Aachen Technical University (West Germany); Bordeaux 1 University; GRAI (France); Cranfield Institute of Technology (England); Helsinki University of Technology (Finland); Katholieke Universiteit Leuven (Belgium); Lund Institute of Technology (Sweden); Politecnico di Milano (Italy); Royal Institute of Technology (Sweden); Technical University of Berlin (West Germany); Universitat Stuttgart (West Germany);

University of Manchester (England); University of Nottingham (England); and University of Oulu (Finland).

Current educational members in Japan are: Hokkaido University; Kobe University; and Tokyo University.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 86-4112 Filed 2-25-86; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; American Motors Corp. et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 10, 1986.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 10, 1986.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 18th day of February 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Motors Corp., Maine & Lakefront Plants (UAW)	Kenosha, WI	1/27/86	1/17/86	TA-W-17,185	Subcompact automobiles.
AT&T Technologies (Communications Workers of America).	Whitestone, NY	2/10/86	2/4/86	TA-W-17,186	Residence and business telephone sets.
AT&T Technologies (Communications Workers of America).	Omaha, NB	2/10/86	2/4/86	TA-W-17,187	Residence and business telephone sets.
Badger Coal Co., Mine #1 and Prep. Plant (workers)	Buckhannon, WV	2/7/86	1/29/86	TA-W-17,188	Coal mining and cleaning.
Bethlehem Steel Corp. (workers)	Bethlehem, PA	2/10/86	1/31/86	TA-W-17,189	Steel beams, rails, angles, plates, heavy forgings.
Barker Contract Stitching, Inc., (workers)	South Paris, ME	2/6/86	1/31/86	TA-W-17,190	Ladies dress shoes, boots some mens.
JEC Tanning Co., Inc. (leather workers)	Peabody, MA	1/31/86	1/29/86	TA-W-17,191	Cowhide.
John Fluke Co., Inc. (workers)	Everett, WA	2/10/86	2/4/86	TA-W-17,192	Electronic instruments.
Minatola Industries (ILGWU)	Lepanto, AR	1/24/86	1/17/86	TA-W-17,193	Womens dresses.
Onan Power Electronics (Co)	Johnson City, TN	2/10/86	1/27/86	TA-W-17,194	Computer power supplies and transformers.
Suntec Industries, Inc. (UAW)	Rockford, IL	2/10/86	2/7/86	TA-W-17,195	Fuel oil pumps.
U.S. Steel Corp., Specialty Steel Products (USWA)	McKees Rock, PA	2/11/86	2/5/86	TA-W-17,196	Track wheels, industrial wheels, railroad wheels, sheeve wheels.
Allegheny Ludlum Steel Corp. (USWA)	Brackenridge, PA	2/5/86	2/3/86	TA-W-17,197	Alloy sheet and strip.
Avon Knitting Mills (ACTWU)	Farmingdale, NJ	1/30/86	1/5/86	TA-W-17,198	Knitted fabrics-lace.
Cherin Dress Co., Inc. (ILGWU)	Newark, NJ	2/6/86	1/30/86	TA-W-17,199	Dresses.
Claremont Mfg. Co., (ILGWU)	Jersey City, NJ	1/10/86	1/6/86	TA-W-17,200	Mens and boys robes.
Delval Manufacturing Co. (Company)	Willow Grove, PA	2/10/86	1/28/86	TA-W-17,201	Residential lighting fixtures.
Endicott Johnson Corp., Endicott Johnson Imperial Plant (workers).	Owego, NY	2/11/86	2/3/86	TA-W-17,202	Men dress and leisure shoes, mens and ladies athletic shoes.
International Harvester (Navistar International) (workers)	Memphis, TN	1/31/86	1/21/86	TA-W-17,203	Farm equipment.
L.E. Smith Glass Co., (American Flint Glass Workers)	Mt. Pleasant, PA	2/3/86	1/26/86	TA-W-17,204	Handmade glassware.
Lewis Bolt & Nut Co. (workers)	Minneapolis, MN	2/3/86	1/27/86	TA-W-17,205	Fastners industrial.
Standard Steel Enterprize of Freedom Forge Corp. (USWA).	Burham, PA	2/5/86	2/3/86	TA-W-17,206	Rail road wheel axles, steel forgings.
Sweet Orr & Co., Inc. (workers)	Anniston, AL	2/4/86	1/30/86	TA-W-17,207	School uniforms blouses.
Zwicker Knitting Mills (ACTWU)	Appleton, WI	1/29/86	1/27/86	TA-W-17,208	Hats, scarf, mittins, gloves.
Adelaar Bros., Inc. (workers)	New York, NY	2/7/86	2/5/86	TA-W-17,209	Blouses.
Armstrong Rubber Co., (The) Pacific Coast Div. (URW)	Hanford, CA	2/13/86	2/10/86	TA-W-17,210	Passanger and light trucks radial tires.
Brookfeld Clothes Corp. (workers)	Long Island City, NY	12/4/85	12/2/85	TA-W-17,211	Suits sportcoats.
Centronics Data Computer Corp. (workers)	Rochester, MI	2/10/86	2/8/86	TA-W-17,212	Computer printers.
Mackintosh-Hemphill, Inc. (USWA)	Pittsburgh, PA	2/5/86	2/3/86	TA-W-17,213	Iron and steel rolls.
McGraw Edison Service Div. Cooper Industries (workers)	Bluefield, WV	2/10/86	2/6/86	TA-W-17,214	Filed coils, armature coil flat wire, and all machine works.
Milo Woodcrafters (workers)	Milo, ME	2/3/86	1/30/86	TA-W-17,215	Baskets.
Raintree Sportswear (workers)	Ridgewood, NY	12/13/86	12/11/86	TA-W-17,216	Mens bathing suits.
Ramco/Fitzsimons Steel (USWA)	Buffalo, NY	1/10/86	1/6/86	TA-W-17,217	Cold finished steel bars.
Swimtex, Inc. (workers)	Miami, FL	1/6/86	12/1/85	TA-W-17,218	Swimming suits.
Weyerhaeuser Co., Everett Wood Products Div. (IWA)	Everett, WA	1/22/86	1/22/86	TA-W-17,219	Sawmill.
Wood Way Corp. (workers)	Shelbyville, TN	2/4/86	1/27/86	TA-W-17,220	Bluejeans.
Wood Way Corp. (workers)	Athens, AL	2/4/86	1/27/86	TA-W-17,221	Bluejeans.
Wood Way Corp. (workers)	Harteselle, AL	2/4/86	1/27/86	TA-W-17,222	Bluejeans.

[FR Doc. 86-4164 Filed 2-25-86; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Suttle Apparatus Corp. et al.

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 10, 1986—February 14, 1986.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–16, 372; Suttle Apparatus Corp., Lawrenceville, IL
TA–W–16, 339; Penn Aluminum International, Erie, PA
TA–W–16, 428; Diamond-Bathurst, Inc., Indianapolis, IN
TA–W–16, 368; Novelty Textile Mills, Inc., Wauregan, CT
TA–W–16, 359; Georgia-Pacific Corp., Port Hudson, LA
TA–W–16, 402; Interlee, Inc., Lee Filter Div., Edison, NJ
TA–W–16, 388; Hitachi Magna-Lock Corp., Big Rapids, MI
TA–W–16, 329; Caterpillar Tractor Co., York, PA

Affirmative Determinations

TA–W–16, 376; Basque Cedar Co., Clallam Bay, WA
A certification was issued covering all workers of the firm separated on or after August 25, 1984 and before December 31, 1985.

TA–W–16, 380; Hine/Snowbridge, Inc., Boulder, CO
A certification was issued covering all workers of the firm separated on or after August 27, 1984.

TA–W–16, 371; S. Greenberg Co., Boston, MA
A certification was issued covering all workers of the firm separated on or after August 22, 1984 and before September 15, 1985.

TA–W–16, 370; RCA Boringuen, Inc., Juncos, PR
A certification was issued covering all workers of the firm separated on or after August 19, 1984.

TA–W–16, 313; AT&T Information Systems, Shreveport, LA
A certification was issued covering all workers of the firm separated on or after October 1, 1984 and before January 15, 1986.

TA–W–16, 351; Canadian Cedar Industries, Shelton, WA
A certification was issued covering all workers of the firm separated on or after August 16, 1984 and before September 30, 1985.

TA–W–16, 438; Spencer Wright Industries, Cobble Div., Chattanooga, TN
A certification was issued covering all workers of the firm separated on or after September 11, 1984.

TA–W–16, 334; Mallory Times Co., Frankfort, IN
A certification was issued covering all workers of the firm separated on or after December 14, 1984.

TA–W–16, 365; Fisher Corp., Sub-Assembly Dept., Milroy, PA
A certification was issued covering all workers of the firm separated on or after August 20, 1984.

TA–W–16, 373; Technographics Fitchburg Paper, Inc., Fitchburg, MA
A certification was issued covering all workers of the firm separated on or after August 21, 1984.

TA–W–16, 367; Harris Digital Telephone Systems, Novato, CA
A certification was issued covering all workers of the firm separated on or after December 1, 1984.

TA–W–16, 363; Carrier Corp., Syracuse, NY
A certification was issued covering all workers of the firm separated on or after January 1, 1985 and before January 1, 1986.

TA–W–16, 366; Forest Hill Sportswear Co., Inc., Boston, MA
A certification was issued covering all workers of the firm separated on or after August 22, 1984 and before July 3, 1985.

I hereby certify that the aforementioned determinations were issued during the period February 10, 1986–February 14, 1986. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor 601 D Street, NW, Washington, DC during normal business hours or will be mailed to persons who write to the above address.

Dated: February 18, 1986.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 86–4140 Filed 2–25–86; 8:45 am]
BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–289]

General Public Utilities Nuclear Corp. et al.; (Three Mile Island Nuclear Station, Unit No. 1); Exception

I.

General Public Utilities Nuclear (GPUN) Corporation (the licensee) and three co-owners hold Facility Operating License No. DPR–50, which authorizes operation of the Three Mile Island Nuclear Station, Unit No. 1 (TMI–1) (the facility) at power levels not in excess of 2535 megawatts thermal. This license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a pressurized water reactor located at the licensee's site in Dauphin County, Pennslysvania.

II.

Apppendix J of 10 CFR Part 50, Section III.D.3, requires that Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than two years. Section II.H of 10 CFR Part 50, Appendix J, defines "Type C Tests" as tests intended to measure containment isolation valve leakage rates. These valves help maintain containment integrity at design basis accident conditions.

III.

By letter dated October 22, 1985, the licensee requested an exemption from the schedular requirements of 10 CFR Part 50, Appendix J, Section III.D.3. Specifically, 71 valves are due for Type C testing beginning February 23, 1986. The license proposes to postpone leak testing of these valves until the next scheduled steam generator inspection outage; or if the planned outage does not occur as expected, the licensee will shut down TMI–1 on August 23, 1986.

specifically to test these valves. In order to test these 71 valves, the plant must be in a cold shutdown condition.

TMI–1 had been in a cold shutdown condition since March 28, 1979. On May 29, 1985, the Commission's shutdown Order was lifted and a plant heatup was conducted on June 7, 1985. The plant remained in a hot shutdown condition pending judicial review of the Commission's Order. On October 2, 1985, the Supreme Court lifted the judicial stays in effect on the Commission's restart Order, and the plant was taken critical on October 3, 1985. The plant then entered a planned power ascension test program which was completed January 2, 1986. TMI–1 will operate at full power until approximately March 22, 1986. At that time, license condition 2.c.(8)4 requires a plant shutdown to conduct an eddy-current examination of the steam generators. If the licensee had been allowed to start up upon issuance of the original Commission Order, the steam generator inspection outage would have occured before February 23, 1986. The judicial stay on the Commission's Order could have been lifted at any time, so the licensee remained in hot shutdown. The stay was finally lifted on October 2, 1985, and the plant taken critical. However, starting the power ascension program in October 1985 left insufficient time to complete the program, operate at full power for the specified number of days, and still shut down before February 23, 1986.

The duration of the judicial stay was beyond the control of the licensee. Instead of going to cold shutdown conditions during this, at that time, undefined period, the licensee made a deliberate choice to remain in a hot condition for operator training. As a result of this decision, as noted in the staff's startup inspection reports, the operators gained valuable experience which proved to be beneifical when the plant was allowed to operate.

The licensee has leak tested all accessible valves. However, there are 71 valves which require the plant to be in a cold shutdown condition before testing can be accomplished. To require the plant to shut down solely to leak test these valves by February 23, 1986, would cause a non-desired perturbation on the steam generator test program and an unnecessary thermal transient on the plant.

Since the shutdown of March 28, 1979, four series of local leak rate tests have been conducted at TMI–1. This frequency of tests is more than what would ordinarily be required over a less than 7-year span. Moreover, leakage paths were identified during the tests and necessary repairs were satisfactorily performed. The latest local leak rate tests conducted in 1984 showed that the actual leakage was less than one third of the allowable limit which indicates that the valves were in good condition. Based on these test results, the valves are predicted to remain within acceptable leakage limits throughout the time interval extension requested.

Containment test requirements per Appendix J of 10 CFR 50 provide for preoperational tests and periodic verification by tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate containment. The purposes of the tests are to assure that (a) leakage through the primary reactor containment and systems and components penetrating primary containment shall not exceed allowable leakage rate values as specified in the technical specifications or associated bases and (b) periodic surveillance of reactor containment penetrations and isolation valves is performed so that proper maintenance and repairs are made during the service life of the containment and systems and components penetrating primary containment. The regulations specify a maximum of a 2-year interval between Type C tests to define a general periodicity to satisfy the above objectives. Circumstances factored into the 2-year interval include the assumption that a normal plant will be fully operational and hot for most of the time interval.

The licensee will meet the schedular requirement for all but a maximum of 71 valves. However, for these 71 valves, the four series of local leak rate tests conducted during the 6½-year shutdown, with the accompanying valve surveillance and maintenance as documented in the tests, provide sufficient evidence to conclude that with the few months' delay in testing, (a) leakage through the valves will not exceed allowable values before the next test and (b) sufficient maintenance and repairs ahve been made over the service life of the valves to insure their integrity until the next test. Thus, we conclude that the underlying purpose of the rule, i.e., to require local leak rate testing at periodic intervals of certain types of containment isolation valves to determine whether there has been degradation in the leakage characteristics of these valves which might adversely affect containment integrity, will be satisfied even with the delay in testing.

Based on the above discussion, the licensee's proposed extension for the Type C testing of 71 valves listed in their October 22, 1985, submittal until startup from the steam generator inspection outage scheduled to begin in late March 1986 is acceptable. This is a one-time only schedular exemption from the requirements of 10 CFR 50, Appendix J, Section III.D.3.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption, namely that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule—to require local leak rate testing at periodic intervals of certain types of containment isolation valves to determine whether there has been degradation in the leakage characteristics of these valves which might adversely affect containment integrity. Specifically, as noted above, the number of leak tests which have been conducted by the licensee during the shutdown, and the latest local leak rate test results which showed actual leakage less than one-third of the allowable limit, leads the staff to conclude that requiring the plant to shut down solely to test the remaining valves by February 23, 1986 (rather than late March 1986 as requested by licensee) is not necessary to assure the continuing maintenance of containment integrity. Accordingly, the Commission hereby grants an exemption as described in Section III above from Section III.D.3 of Appendix J to the extent that the 2-year interval for performing Type C tests on 71 valves may be extended, on a one-time basis only, for TMI–1 until the startup from the steam generator inspection outage scheduled to begin in late March 1986.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (February 4, 1986, 51 FR 4447).

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 20th day of February 1986.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Director, Division of PWR Licensing-B.

[FR Doc. 86–4162 Filed 2–25–86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

Virginia Electric and Power Co. et al.; Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-7, issued to Virginia Electric and Power Company and Old Dominion Electric Cooperative (the licensee), for operation of the North Anna Power Station, Unit No. 2 (NA-2) located in Louisa County, Virginia, in accordance with the licensee's application for amendment dated September 26, 1985, and amended on January 16, 1986.

The proposed changes would allow the widening of the axial flux difference bands from the current ±5% about a target value of +6% to −15% at 100% power and +20% to −28% at 50% power. The proposed changes would provide additional operating flexibility during return-to-power after trips near the end of the NA-2 cycle No. 4.

The heat flux hot channel factor (FQ) operating limit specified in the NA-2 Technical Specifications (NA-2) is established by loss-of-coolant accident/emergency core cooling system (LOCA/ECCS) analyses performed in accordance with 10 CFR Part 50, Appendix K. These analyses show that if the FQ limit is not exceeded, the predicted LOCA peak clad temperature will not exceed the 2200° limit specified in the Final ECCS Acceptance Criteria. The TS also establish the required method for verification that the actual peaking factor realized during operation will not exceed the axially dependent peaking factor (FQ(Z)) limit. The verification is currently performed by combining the axially dependent radial peaking factor, Fxy(Z), which is determined by periodic surveillance with the core flux monitoring system, with an analytically determined axial peaking factor (PZ(Z)). The determination of PZ(Z) involves evaluating various plant operating maneuvers such as load following. During constant Axial Offset Control (CAOC) operation, the measured core exial flux difference (AFD) is maintained within a fixed band (+ or −5%) of a target value. The target AFD is established by equilibrium operating conditions.

The proposed changes would replace the CAOC AFD limits with a set of limits established by the licensee's Relaxed Power Distribution Control (RPDC) Methodology and Associated FQ Surveillance Technical Specifications dated October 1984. The NRC staff has reviewed the report and finds it to be acceptable.

The important feature of the RPDC strategy is, instead of analytically verifying the peaking factor (FQ) margin for a fixed AFD limit band, the AFD band is varied until the available FQ margin, which increases as power decreases, is utilized. Because a wider range of axial shapes can be realized under RPDC normal operation, additional analyses must be performed to verify that the overtemperature delta-T (OPDT) and overpower delta-T trips continue to provide adequate DNB and local overpower (high kw/ft) protection over the entire range of anticipated Condition II events. In addition, the shapes are evaluated as potential preconditions for the Complete Loss of Flow accident, to ensure that no departure from nuclear boiling (NDB) violations would occur during the bounding, non-OTDT-protected accident. The methodology for performing this verification is discussed in detail in the licensee's RPDC report.

Additionally, the current requirement for monitoring the axially dependent radial peaking factor, Fxy(Z), is being replaced by a requirement to monitor the total peaking factor FQ(Z). This is accomplished by taking a full core flux map under equilibrium and increasing the measured value by appropriate factors to account for manufacturing tolerances and measurement uncertainties. Finally, since the FQ(Z) is measured under equilibrium conditions, a non-equilibrium factor, N(Z) is applied. N(Z) accounts for the maximum potential increase in local peaking which could occur during transient, nonequilibrium operation. In accounting for the transient effects, N(Z) thus has a function which is similar to PZ(Z) in the current approach. The difference is that, where PZ(Z) is a nonequilibrium axial peaking factor, N(Z) envelopes the potential equilibrium-to-nonequilibrium FQ increase and accounts for both axial and radial xenon and power redistribution effects.

The licensee has performed a detailed review of the impact of operation with Relaxed Power Distribution Control/FQ Surveillance on the various accident scenarios discussed in Chapter 15 of the North Anna updated Final Safety Analysis Report (UFSAR). Specifically, the impact of the wider axial flux difference on key safety parameters which could influence accident analysis results has been assessed. Among those parameters considered are: trip reactivity, both total value and reactivity as a function of rod insertion; shutdown margin; reactivity insertion rates due to rod withdrawal from subcritical and at power; and rod worths and/or peaking factors for ejected, dropped or misaligned control rods.

The NA-2 Cycle 4 reload core design has been evaluated for operation under the proposed RPDC Technical Specifications in accordance with the methodology presented in the licensee's RPDC report. The anlysis included examination of the LOCA and complete Loss of Flow Accident (LOFA) preconditions, the peak linear power (kw/ft), the overtemperature delta-T f(delta-I) function and the fuel rod design criteria. Each analysis was performed at beginning, middle and end of cycle. The analysis yielded two conclusions: (1) None of the normal operation conditions allowed by RPDC were found to violate the key safety criteria, and (1) all of the Condition II events examined in the UFSAR were shown to yield aceptable results when initiated from any of these normal operation conditions. The RPDC bands were thus found to be an acceptable operating space.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Specifically, as discussed above, the proposed changes involve only a relaxation of the limits in axial power distribution skewing and, therefore, neither the probability of occurrence nor the consequences of any accident or malfunction of equipment important to safety previously evaluated in the safety analysis report is increased by these proposed changes. Furthermore, the RPDC analysis procedures and continued application of current reload design and safety analysis methodology will ensure that the UFSAR accident analyses remain bounding.

Also, the proposed changes do not involve any alterations to the physical plant which introduce any new or unique operational modes or accident precursors. Thus the possibility for an accident or malfunction of a different type than any evaluated previously in

the UFSAR is not being created by the proposed changeds. And, finally, while a relaxation of the axial offset operating limits is realized, the margin of safety as defined in the basis for any technical specifications is not reduced by the proposed changes since the margins of safety are preserved by the imposition of a frequent FQ surveillance requirement and by effectively reducing the limit on measured equilibrium FQ by a conservative nonequilibrium factor, N(Z). Therefore, based on these considerations and the criteria given above, the Commission has made a proposed determination that the amendment request does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Records Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commisson, Washington, DC 20555.

By March 28, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714 a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who had filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final detemination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Lester S. Rubenstein: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael W. Mauphin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 26, 1985 as amended January 16, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Board of Supervisors Office,

Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Bethesda, Maryland, this 20th day of February, 1986.

For the Nuclear Regulatory Commission.

Lester S. Rubenstein,

Director, PWR Project Directorate No. 2 Division of PWR Licensing-A.

[FR Doc. 86-4161 Filed 2-25-86; 8:45 am]

BILLING CODE 7590-01-M

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Bi-Weekly Notice

I. Background

Pursuant to Pub. L. 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly notice. Pub. L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This bi-weekly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last bi-weekly notice which was published on February 12, 1986 (51 FR 5270) through February 14, 1986.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Docket Room, 1717 H Street, NW., Washington, DC.

By March 28, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be enetered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide

for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in MIssouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Branch Chief*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Baltimore Gas and Electric Company, Docket No. 50–317 Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of application for amendment: December 17, 1985 as supplemented by letter dated January 16, 1986.

Description of amendment request: The proposed amendment would change the Unit 1 Technical Specification (TS) 3.3.3.2, "Incore Detectors" for the remainder of fuel Cycle 8 operation, as follows: (1) TS 3.3.3.2a would be changed so that the incore detectors would be used to determine azimuthal power tilt at three axial elevations, (2) the number of incore detector segments required for recalibration of the excore neutron flux detection system, in TS 3.3.3.2b, would be decreased from at least 75% to at least 50% of all incore detector segments, and (3) the number of incore detector locations required for monitoring radial peaking factors or linear heat rate would be decreased from at least 75% to at least 50% of all incore detector locations.

Basis for proposed no significant hazards consideration determination: The monitoring of incore neutron flux is accomplished by the incore detectors which provide the detailed power distributions necessary for Technical Specification surveillance of power peaks and core data trends. The 45 in-core self-powered rhodium detector strings are placed in the center control element assembly (CEA) guide tube of selected assemblies. Each detector string has four, 40 cm long rhodium detectors located at 20, 40, 60, and 80 percent core height. Under ideal conditions, the power distribution within the core is symmetrical in that the power produced in one geometric part of the core is the same as other similar geometric core locations. This symmetry exists for both axial (core top to core bottom) and radial (horizontally across the core) locations. Groups of incore detector strings are used to detect asymmetry with regard to power distribution. Since persistent asymmetric power distributions can lead to a degradation of core thermal-hydraulic performance, and result in more adverse post-accident behavior, detection and correction of power asymmetry (power tilt) is important. In addition, incore detectors are used to calibrate the excore detectors which are used for core power level monitoring.

Due to the nature of the incore detector strings, a number of these detectors normally become inoperable during the course of a fuel cycle. With 45 operable incore detector strings, an expected number of failures would still provide an adequate, remaining, detector string complement in both number and location to meet the monitoring requirements of TS 3.3.3.2. An unexpectedly large number of detectors were found failed at startup for Unit 1 Cycle 8 and the number of failed incore detector strings for Unit 1 is approaching the current limits of TS 3.3.3.2. The proposed TS changes provide increased flexibility for Unit 1 Cycle 8 with respect to the acceptable number of failed incore detector strings.

Standard Technical Specifications for Combustion Engineering plants have a Technical Specification (3.3.3.2) requiring an incore detector system with at least 75% of all incore detector locations operable. This operability requirement is applicable when the incore detector system is used for (1) recalibration of the excore neutron flux detector system, or (2) monitoring the azimuthal power tilt, or (3) monitoring the linear heat generation rate. In addition, a surveillance requirement calls for the determination of a core power may once per every 31 effective full power days.

The incore detector system should be maintained as close as possible to 100% operability. This is necessary to be able to identify and evaluate any potential power distribution or reactivity anomaly which occur during the operation of a power plant. An example of a power distribution anomally is a corrosion, "crud", buildup problem that occurred at Calvert Cliffs, Unit 1 during a previous operating cycle. Here, the incore detector system was an important tool in identifying and understanding the problem.

The 75% operability requirement for the incore detector locations, as specified in the Standard Technical Specifications for Combustion Engineering plants, was chosen so that (1) a reasonable number of incore detector failures could be accommodated, (2) overall core power distribution mapping capability could be retained, and (3) there would be incentive for incore detector system maintenance during the next refueling outage. Otherwise a decrease in the operability requirement could lead to a postponement in incore detector maintenance and replacement. Such a degraded incore detector system might not have the capability of identifying and resolving anomalous core conditions.

We have reviewed and approved on a case-by-case basis other requests for Technical Specification changes for the duration of the affected operating cycle when incore detector failures in operating PWRs have approached or exceeded Technical Specification requirements. These interim Technical Specifications have generally been allowed either with increased surveillance (e.g., increased frequency of core mapping), or in most cases because there is substantial margin (usually late in cycle) to Technical Specification power peaking factor limits.

The proposed Technical Specification change is acceptable for Calvert Cliffs, Unit 1 for the remainder of Cycle 8 to allow a decrease from (at least) 75% operable detectors to (at least 50%) operable detectors. This proposed change is acceptable because the licensee has stated that it would

administratively change the core mapping frequency requirement to 15, from 31, accumulated Mode 1 (above 5% power) days. In addition, there have been no reported core power distribution anomalies and potentially increased margin to Technical Specification power peaking limits may be expected in the latter part of Cycle 8.

In addition, a proposed Technical Specification change would be acceptable for the remainder of Cycle 8 for monitoring the azimuthal power tilt. The number of tilt determinations would remain the same. However, two azimuthal tilt estimates would be made at three of the axial elevations containing incore detectors. This is acceptable because core wide azimuthal tilts are generally observable at monitored as well as adjacent power levels and there have been no reported azimuthal tilts during Cycle 8. Localized power distribution anomalies will, if significant, be observable by, for example, the increased core mapping and surveillance available for the duration of Cycle 8.

We have also reviewed "Analysis of CECOR Power Peaking Uncertainties for Calvert Cliffs Unit 1 Cycle 8," Combustion Engineering Report No. CEN-318(B)-P, November 1985, submitted in support of the proposed Technical Specification changes. The statistical analysis discussed in the report supports the operation of Calvert Cliffs Unit 1 without requiring increases in the uncertainties presently approved for use with CECOR. The analysis was performed using the then current detector failures present in Calvert Cliffs Unit 1 and assuming several extrapolated detector failure configurations. This analysis assumed, however, that expected normal core operation is maintained. No anomalous core conditions were examined.

Based upon the above, we conclude that the proposed changes to TS 3.3.3.2a, 3.3.3.2b, and 3.3.3.2c provide for an adequate complement of incore detectors for monitoring azimuthal power tilt, peaking factors or linear heat rate, and recalibration of the excore neutron flux detection system during the remainder of Unit 1, Cycle 8, in light of the increased use of core mapping surveillance to detect anomalies in the observable parameters. Accordingly, the margin of safety regarding the effects produced by core power anomalies would not be reduced as a result of the proposed TS change. Since calibration of the excore neutron flux detection system will remain satisfactory and azimuthal power tilt, radial peaking factors or linear heat rate can be adequately determined, there will not be a significant increase in the probability or consequences of accidents which have previously been considered based upon these parameters. Finally, since no changes in equipment design or use are involved, no new or different kind of accident will be created. Accordingly, the Commission proposes to determine that the proposed changes to TS 3.3.3.2a, 3.3.3.2b and 3.3.3.2c involve no significant hazards considerations.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Ashok C. Thadani.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: November 19, 1985

Description of amendment request: The proposed amendment would modify the present Technical Specification requirement to scram test 50% of the control rod drives (CRDs) at 16 week intervals, so that every 32 weeks all of the CRDs shall have been tested. This would be changed to the Standard Technical Specifications requirement to scram test at least 10% of the CRDs, on a rotating basis, within each 120 days operation. An evaluation of the test results would also be completed every 120 days of operation to provide reasonable assurance that proper performance is being maintained.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance (48 FR 14870) which includes examples of amendments that are considered not likely to involve significant hazards considerations. One of these is example (vi), a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The proposed change would reduce the frequency of testing each CRD, which could result in some increase to the probability of a control rod drop or other previously analyzed accidents. However, no change would be made in an associated Technical Specification requiring that, following each refueling outage, each operable control rod shall be subjcted to scram time tests from the fully withdrawn position. The licensee concluded that continued assurance of proper performance would be maintained. This conclusion was based on (1) historical evaluation of the performance of the control rod scram capability at Pilgrim, and (2) other control rod surveillance requirements. The other requirements which provide assurance of the integrity of the control rod system are (1) weekly exercise of all CRDs and (2) the scram time speed measurements made of each CRD prior to full power operation after each refueling.

The reduced frequency of testing the CRDs is consistent with current industry practice and it meets the acceptance criteria of Standard Review Plan Section 6.4

Based upon the licensee's conclusions and the fact that the Standard Review Plan criteria would be met, the staff finds that the proposed change is similar to example (vi). Therefore, the staff proposes to make a determination that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W.S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199

NRC Project Director: John A. Zwolinski.

Carolina Power and Light Company, Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: December 11, 1985.

Description of amendment request: The proposed amendment would revise Technical Specifications (TS) for the H.B. Robinson Steam Electric Plant Unit No. 2. The proposed revision would add operational and surveillance criteria regarding the use and capabilities of the Containment Purge Supply and Exhaust Isolation Valves.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the determination of significant hazards by providing certain examples (48 FR 14870) of amendments considered not likely to involve significant hazards consideration. One of the examples (ii), relates to a change that constitutes an additional restriction or control not presently

limitations included in the Technical Specifications.

The licensee proposes to add: 1. Subsection 3.6.4 to incorporate the requirement that the Containment Purge Supply and Exhaust Isolation Valves shall be capable of closing within two seconds. Non-compliance with this criterion requires that the valve be declared inoperable and the action statements of TS 3.6.3 are imposed.

2. A statement to the basis of subsection 3.6 to provide guidance concerning justifiable causes for purging during normal plant operation and a statement to identify the limiting condition which established the maximum closing time criteria.

3. A surveillance implemented by Section 4.4.5 to verify compliance with the criterion for closing time stipulated within TS 3.6.4.

These additional limitations are clearly identical to example (ii), therefore, the Commission proposes to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535

Attorney for licensee: Shaw, Pittman, Potts, and Trowfridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: Lester S. Rubenstein.

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: November 19, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications to permit the use of higher enrichment reload fuel assemblies and storage of such assemblies both prior and subsequent to their loading in the reactor. The fuel enrichment would be revised from 3.5 w/o U-235 to 4.3 w/o U-235.

Basis for proposed no significant hazards consideration determination: 10 CFR 50.92 states that a proposed amendment will involve a no significant hazards consideration if the proposed amendment does not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident previously evaluated, or (3) involve a significant reduction in margin of safety.

The licensee provided an analysis in their submittal which concluded that the criteria as stated above are met.

Criterion 1

The storage of the higher enrichment fuel could only affect fuel handling accidents. The enrichment increase will not significantly affect the potential consequences of a fuel drop accident since the isotopic content of a discharged assembly is relatively insensitive to the assemblies enrichment. The probability of a fuel handling accident is similarly unaffected by the enrichment increase. There are no structural changes involved that could affect the fuel handling characteristics of IP-2's fuel.

Criterion 2

The enrichment increase does not create possibility of any new or different type of accident. All other acceptance criteria and operating parameters [DNBR, F_Q, ect.] will remain unchanged.

Criterion 3

Although the storage of fuel with increased enrichment will potentially bring the spent fuel pool and the new fuel storage area somewhat closer to criticality than was previously possible, there will not be a significant reduction in margin of safety. The licensee's submittal indicates that the proposed change is based on conservative analyses which show that with an increase in enrichment, the criticality design criteria of Keff less than or equal to 0.95 is met. This is consistent with criteria of the Standard Review of Plan Sections 9.1.1 and 9.1.2. Therefore, the amendment would not involve a significant reduction in margin of safety.

Based on the above, the staff proposes to determine the amendment does not involve a significant hazards determination.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Directorate: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: November 26, 1985.

Description of amendment request: The proposed amendment to the Technical Specifications would revise the F^N delta H part power multiplier from 0.2 to 0.3. This revision would allow optimization of core loading patterns by minimizing the part power multiplier at low power.

Basis for proposed no significant hazards consideration determination: The proposed revision would change the F^N delta H part power multiplier from 0.2 to 0.3 resulting in the following relations: F^N delta H is less than or equal to 1.55 [1.0+0.3 (1−P)]. Where: P=fraction of rated thermal power.

No change is made to the F^N delta H limit at full power. The proposed increase in the part power multiplier has a direct impact on Departure from Nucleate Boiling Ratio (DNBR) calcualtions. The core safety limits for Indian Point Unit No. 2 included in Technical Specification 2.1.1, represent restrictions of average enthalpy at vessel exist and minimum DNBR.

the core safety limits currently used in IP-2 safety analyses were generated to bound both the High Parasitic (HIPAR) and Low Parasitic (LOPAR) fuel in the core during the transition cycles from a full HIPAR to a full LOPAR core. At power levels below 100% Rated Power the HIPAR fuel is the limiting fuel type for DNB analyses. In Cycle 8 and all subsequent cycles, the cores are planned to be all LOPAR fuel. Consolidated Edison has indicated that the DNBR conservatism associated with core safety limits based on HIPAR fuel is more than enough to compensate for the DNBR penalty associated with the proposed change to the part power multiplier.

To ensure adequate core protection, Consolidated Edison reevaluated the core safety limits due to the increase in the part power multiplier. This evaluation determined that IP-2's current core safety limits are applicable and bounding for full LOPAR cores, including the effects of an increase in the part power multiplier.

10 CFR 50.92 states that a proposed amendment will involve a no significant hazards consideration if the proposed amendment does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Criterion 1

The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated because the licensee's evaluation concludes that the current large and small break LOCA analyses of record remain applicable for an F^N delta H increase at partial powers. The LOCA analyses are performed at rated power conditions which bound all

partial power conditions. The F^N delta H has no increase at rated power and therefore, the proposed partial power F^N delta H increase has no impact on the LOCA analysis. In addition, the core safety limit curves in Technical Specification 2.1.1 remain unchanged and the current overpower delta T and overtemperature delta T Technical Specification setpoint equation constants are applicable and will be maintained. As a result the licensee has indicated that no reanalysis is required for non-LOCA accident events, since non-LOCA accident analyses are not impacted by the F^N delta H part power multiplier change.

Criterion 2

The proposed amendment will not create the possibility of a new or different kind of accident previously evaluated because all accident analyses and nuclear design bases remain unchanged. The change involves no plant equipment or operating procedure changes.

Criterion 3

The proposed amendment will not involve a significant reduction in margin of safety because as discussed above all accident analyses and nuclear design bases remain unchanged. The fuel failure criteria remains unchanged.

Based on the above, the staff proposes to determine that the proposed amendment does not involve a significant hazards determination.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Brent L. Brandenburg, esq., 4 Irving Place, New York, New York 10003.

NRC Project Directorate: Steven A. Varga.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: January 10, 1986.

Description of amendment request: Specification 3.4.1.2, "Reactor Coolant System—Hot Standby," presently requires as a limiting condition for operation that at least two of the four reactor coolant loops be operable and at least one of these be in operation. (A reactor coolant "loop" includes its primary piping, steam generator and reactor coolant pump). The proposed amendments would increase by one the number of reactor coolant loops to be operable and in operation for Mode 3 (hot standby). Bases 3/4.4.1, "Reactor Coolant Loops and Coolant Circulation" would be similarly changed to state that "In MODE 3, two reactor coolant loops provide sufficient heat removal capability for removing decay heat; however, single failure considerations require that three loops to OPERABLE." An addition to the ACTION statement for Specification 3.4.1.2 would require that with only one reactor coolant loop in operation, the operator is to restore at least two loops to operation within 72 hours or open the Reactor Trip System breakers.

Basis for proposed no significant hazards consideration determination: Technical Specification 3.4.1.2 currently states that when operating in Mode 3, at least two reactor coolant loops are to be operable, but only one of these two loops is required to actually be operating. This is inconsistent with the FSAR safety analyses which assume that either two or all four of the reactor coolant pumps are operating. The proposed change would eliminate this inconsistency by imposing a more restrictive condition on the allowed number of operable or operating reactor coolant loops. The more restrictive condition is necessary to ensure that sufficient coolant flow is available when operating in Mode 3 so that the DNB design bases are met for all operating conditions and postulated accidents in Mode 3, including the limiting DNB accident, control rod bank withdrawal from subcritical conditions. The change to the specification, including the additional ACTION statement and the changes to the Bases, would result in a McGuire specifications which would be identical to that previously reviewed and accepted by the NRC for a similar plant, the Catawba Nuclear Station.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these examples, (ii), involving no significant hazards considerations is "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement." As discussed above, the proposed amendments impose a more restrictive requirement for operation and, therefore, match the example. Accordingly, the Commission proposes to determine that the change does not involve significant hazards considerations.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina, 28223.

Attorney for licensee: Mr. Albert Carr, Duke Power Company, P.O. Box 33189, 422 South Church Street, Charlotte, North Carolina 28242.

NRC Project Director: B. J. Youngblood.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: January 16, 1986.

Description of amendment request: The proposed amendment would remove from the Technical Specifications (TSs) the tabular listing of hydraulic snubbers, as suggested by Generic Letter 84–13 dated May 3, 1984.

The licensee had previously requested (July 25, 1984) TS changes to the tabular listing of snubbers to add new snubbers and to revise the classification of several snubbers to "accessible" or "inaccessible" as applicable. That request was previously noticed (50 FR 47862), but has not yet been acted upon. In view of the licensee's request of January 16, 1986, which is the subject of this notice, the licensee has withdrawn that portion of its July 25, 1984 request dealing with snubbers, by letter dated January 24, 1986.

Basis for proposed no significant hazards consideration determination: Generic Letter 84–13, May 3, 1984, "Technical Specifications for Snubbers" concludes that the tabular listing of snubbers included in Technical Specifications may be deleted by any licensee submitting a license amendment.

The removal of the tabular listing of snubbers from the Technical Specifications is of an administrative nature and does not in itself affect plant design or operation, involve modifications to plant equipment, or make changes that would affect plant safety analyses. The Technical Specifications will continue to require the snubbers to be operable. Appropriate actions to be taken if the snubbers are inoperable will also remain in Technical Specifications. Additionally, the NRC staff has determined that inclusion of snubber listings in Technical Specifications is not necessary because any changes in snubber quantities, types, or locations are controlled under the provisions of 10 CFR 50.59 as a change to the facility.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: December 10, 1982, and April 15, 1985, as

superseded the submittal of November 13, 1985.

Description of amendment request: Request approval of changes to the Appendix A Technical Specifications (TS) pertaining to shock suppressors (snubbers). These changes are to Sections 3.5 and 4.5, Containment, and to Section 6.10.2, Administrative Controls-Record Retention, and the Bases for these Sections in the TS.

The changes to TS Section 3.5.A.8 revise the existing limiting conditions for operation on snubbers to (1) delete Table 3.5.1 which lists the safety-related snubbers by number and location and (2) revise the existing requirements on when snubbers have to be operable and the actions to be taken if snubbers are inoperable. The existing requirements are in terms of the snubbers themselves with the requirements being that, if a snubber is inoperable in all modes of operation except cold shutdown and refueling and cannot be made operable within 72 hours, an orderly shutdown of the plant shall be initiated and the reactor shall be in cold shutdown within 36 hours. The proposed requirements are in terms of the systems containing the safety-related snubbers. The new requirements would be that, if a snubber is inoperable and cannot be made operable within 72 hours, the system is declared inoperable and the appropriate action statement for that system in the TS is followed.

The proposed amendment will not: 1. Involve a significant increase in the probability or consequences of an accident previously evaluated because the removal of the snubber listing does not impact the existing snubber operability requirements.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change introduces no new mode of plant operation nor does it require physical modification to the plant.

3. Involve a significant reduction in the margin of safety because it does not involve changes in plant design or operation or affect plant safety analysis. The purpose of the change is to conform to the NRC guidance in Generic Letter 84–13. Any proposed changes to the snubbers would be subject to the provisions of 10 CFR 50.59 and, as a result, should any proposed change significantly reduce the margin of safety, an application for a license amendment would be submitted.

Based on the above, the Commission's staff proposes to determine that the application for amendment does not involve a significant hazards consideration.

Local Public Document Room location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629.

Attorney for licensee: R. W. Neiser, Senior Vice President and General Counsel, Florida Power Corporation, P.O. Box 14042, St. Petersburg, Florida 33733.

NRC Project Director: John F. Stolz.

The changes to TS Section 4.5.Q would (1) revise the existing surveillance requirements on safety-related hydraulic snubbers to add surveillance requirements for mechanical snubbers, (2) revise the existing surveillance requirements for hydraulic snubbers and (3) add a requirement for a record to be kept of the service life of each snubber. The record would be maintained as required by proposed TS 6.10.2.1. The revision to the surveillance requirements would delete the distinction in the existing surveillance requirements between hydraulic snubbers whose seal material has been demonstrated by operating experience, lab testing or analysis to be compatible with the operating environment and hydraulic snubbers whose seal material has not been demonstrated to be compatible. In the proposed TS, all hydraulic snubbers meet the same acceptance criteria and are tested on the same schedule. The proposed TS include a specific Visual Inspection Acceptance Criteria, Hydraulic Snubbers Functional Test Acceptance Criteria and Mechanical Snubbers Functional Test Acceptance Criteria. The proposed frequency of visual inspection and functional tests of snubbers is similar to that existing for hydraulic snubbers with seal material demonstrated to be compatible with the operating environment. The proposed acceptance criteria for hydraulic snubbers is similar to the existing acceptance criteria for hydraulic snubbers. The proposed TS delete existing TS 4.5.Q.2 which states that the initial inspection shall be performed within 12 months from the date of issuance of these TS and it shall be assumed that the facility has been on a 12-month inspection schedule. This existing TS is not needed because this initial inspection has already been performed.

On December 10, 1982, in accordance with 10 CFR 50.59 and 50.90, the licensee submitted proposed changes to the TS pertaining to shock suppressors (48 FR 33080). These changes were to TS Section 3.5.A.8 and Bases, Section 4.5.Q and Bases, Section 6.10.2 and Table 3.5.1. The proposed changes were to incorporate revision 1 of the inservice inspection surveillance requirements for snubbers which were transmitted by the Commission to the licensee on March 23, 1981, and to revise Table 3.5.1 to add mechanical snubbers and to reword the table to conform to the then existing NRC Standard TS.

On May 3, 1984, the Commission issued Generic Letter (GL) 84–13, Technical Specifications for Snubbers. The licensee reviewed GL 84–13. It submitted by letter dated April 15, 1985, (1) the proposed changes in its request dated December 10, 1982, with one exception and (2) its proposed changes in response to GL 84–13 (50 FR 20980). (The one exception was that the licensee proposed in its letter dated December 10, 1982, to only revise Table 3.5.1 and in its letter dated April 15, 1985, the proposed action was to delete Table 3.5.1.)

After discussions with NRC Region I in IE Inspection 85–27, the licensee has again revised its proposed TS changes for snubbers. This revision is dated November 13, 1985, which supersedes its submittals of December 10, 1982, and April 15, 1985. This latest revision will bring the TS closer to the requirements in the staff's Boiling Water Reactor Standard Technical Specifications, NUREG–0123 (BWR–STS). The BWR–STS are based on the Standard Review Plans. For snubbers, it is appropriate for the TS to conform to the BWR–STS.

Basic for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (vi) of amendments not likely to involve significant hazards considerations is a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

For TS Section 3.5.A.8 and Bases and Table 3.5.1, the licensee has requested approval to delete Table 3.5.1 which lists the safety-related snubbers in the plant and to reword the TS to conform to the BWR–STS. The Commission stated in GL 84–13 that a snubber listing within the TS was not necessary provided the TS are modified to specify which snubbers are required to be operable. The staff's acceptance criteria for snubbers is in Standard Review Plan (SRP) 3.9.3, ASME Code Class 1, 2, and 3 Components, Component Supports and Core Support Structures. The BWR–STS and GL 84–13 provide criteria in the SRP

on inspection and testing of snubbers. Therefore, this proposed change is one which may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin but the results of this change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

For TS 4.5.Q and Bases, the licensee has requested approval to revise the existing surveillance requirements on hydraulic snubbers, add surveillance requirements on mechanical snubbers and delete the reference to Table 3.5.1. The revision to the existing surveillance requirements on snubbers is to reword the TS to conform to the BWR–STS. Therefore, this proposed change is a change which may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin but where the result of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

Finally, the revision to TS 6.10.2 would add a requirement that the licensee maintain records of service lives of all safety-related snubbers. Because this is an additional control not currently in the TS, this change is encompassed by the Commission's example (ii) of actions not likely to involve significant hazards consideration.

Because the proposed changes fall within examples (ii) or (vi), provided by the Commission in 48 FR 14870, of amendments that are not likely to involve significant hazards consideration, the staff proposes to determine that the requested action involves no significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G.F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: John A. Zwolinski.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: January 28, 1986 (TSCR 136).

Description of amendment request: Request approval for an Appendix A. Technical Specifications (TS) change to the surveillance requirements on the Fire Pump Diesel 24-volt battery bank in Section 4.12, Fire Protection. The change would allow the licensee to use a two 12-volt battery cell configuration in addition to the existing twelve 2-volt cell configuration for the 24-volt DC diesel fire pump battery system. The change would revise the surveillance requirements on the cell voltage to be greater than or equal to either 2 volts or 12 volts based on the cell configuration.

Basis for proposed no significant hazards consideration determination: The licensee has proposed Technical Specification Change Request (TSCR) 136 to provide the option of using a two 12-volt battery cell configuration—six 2-volt cells with the intercell connection inaccessible for surveillance—in addition to the existing twelve 2-volt cell configuration with the 2-volt intercell connection accessible for surveillance. Either of these cell configurations would provide the 24 volts needed for the 24-volt DC diesel fire pump battery system (DFPBS).

The DFPBS performance will not be affected by this change. The overall voltage and capacity of the DFPBS will not be changed. The only change is to allow the DFPBS to be either (1) twelve 2-volt cells with the intercell connection accessible for surveillance being the 2-volt cell or (2) two 12-volt cells with the intercell connection accessible for surveillance being the 12-volt cell. The 12-volt cell is composed of six 2-volt cells but the intercell connection are not accessible for surveillance. This TSCR would not change the number of 2-volt cells in the DFPBS but it would change the number of cells required to be accessible for surveillance. It would not change the overall voltage and capacity of the DFPBS and would not affect the function of the DFPBS. This TSCR would not change the method, frequency or the reliability of the surveillance on the DFPBS.

Therefore, based on the above, operation of Oyster Creek with this TSCR.

(1) *Does not involve a significant increase in the probability or consequences of a previously elevated accident because:* The TSCR will not affect the performance or function of the DFPBS and does not change the method, frequency or reliability of the surveillance on the DFPBS.

(2) *Does not create the possibility of a new or different kind of accident from any accident previously analyzed because:* The TSCR will not affect the performance or function of the DFPBS and does not change the method, frequency or reliability of the surveillance on the DFPBS.

(3) *Does not involve a significant reduction in a margin of safety because:* The TSCR will not affect the performance or function of the DFPBS and does not change the method, frequency or reliability of the surveillance on the DFPBS.

Therefore, because the licensee's request meets the above three criteria in 10 CFR 50.92(c), the staff proposes to determine that the licensee's proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G.F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: John A. Zwolinski.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: January 21, 1986.

Description of amendment request: The proposed amendment would revise the Technical Specifications as follows: In Table 3.3–3 and 3.3–4, instrument numbers have been added for clarity, trip setpoints are now referenced to Table 3.3–6, and a statement added to indicate that the specification applies only during purge. In Table 3.3–6 and 4.3–3, the instrument measurement ranges have been moved to the bases sections, the alarm and trip setpoints have been separated, the noble gas effluent monitors have been included by reference to the appropriate technical specification, the channel functional test and channel calibration have been better defined, and a statement added to indicate that the specifications apply only during purge. In Table 3.3–12 and 3.3–13, instrument numbers have been added for clarity as has the statement that one monitor in required per train for the included by reference to the appropriate technical specification, the channel functional test and channel calibration have been better defined, and a statement added to indicate that the specifications apply only during purge. In Table 3.3–12 and 3.3–13, instrument numbers have been added for clarity as has the statement that one monitor is required per train for the Service Water System effluent line, incorrect footnotes have been removed, and a note has been clarified that other requirements are for non-purging only. In Table 4.3–9, instrument numbers have

been added. In Section 6.12–1 and 6.12.2 for Unit 1, the wording is changed to be consistent with Unit 2 and the Standard Technical Specifications.

In Table 4.11–2, the term "charcoal filter" is being correctly identified and replaced with "iodine absorbing media". In Table 3.12–1, the New Buffalo drinking water sample location is deleted. Editorial changes are proposed for Pages 3/4 12–3, 6–21, and for several bases sections.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). The first of these examples (i) is a purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The changes to add instrument numbers, separate alarm and trip setpoints, adding monitors by reference to the appropriate technical specifications, correction of errors in footnotes, clarification of the statement on monitors on the Service Water System effluent line, changes to make Sections 6.12.1 and 6.12.2 consistent between units, and the editorial changes are all directly related to this example. Also related to this example are the changes to indicate that a specification applies only during purge, moving the instrument measurement ranges to the bases section, the changes to the term charcoal filter (now iodine absorbing media) and the revised definition for channel functional test and channel calibration for radiation monitors. The statement that the specification is applicable only during purge relates to the NUREG–0737 item for radiation monitors to be added as a backup to other indicators to close the purge valves if a radiation leak occurs inside containment during purge operation. This reference to a specific mode of operations is a clarification of the technical specifications. The change to move the instrument measurement ranges to the bases is to correct an error in requirements; the instruments are required operable and the instrument ranges are acceptable values to meet the technical specification requirements. Moving these values to the bases will provide the delineation between the requirements and acceptable means for meeting the requirements. The change to the term "charcoal filter" is to clarify or correct technical specification terminology. A charcoal filter is only one of the acceptable methods to absorb iodine, therefore, the correct term to clarify the technical specification is "iodine absorbing media." The revisions to the channel functional test and channel calibration for the radiological effluent monitors is also a clarification to reflect the use of appropriate radioactive calibration sources in the tests and calibrations.

Another example (vi) for making a no significant hazards consideration is a change which may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component. The proposed changes to revise the trip setpoints for the radiation monitors used to terminate purge operations and the change to delete the New Buffalo drinking water sample location are related to this example. The setpoints for the radiation monitors will be set to levels to correspond to requirements of 10 CFR Part 20 "Standards for Protection Against Radiation." The deletion of the New Buffalo drinking water sample location will result in one less sample point for normally checking for effluent releases, however, the St. Joseph station is the control point and the Lake Township location is in the same direction as New Buffalo, thus New Buffalo provides only redundant information. The proposed change is clearly within the acceptable criteria for drinking water sample locations.

Based on the above discussions of the proposed changes, the staff, therefore, proposes to determine that the requested actions do not involve a significant hazards consideration.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: B.J. Youngblood.

Iowa Electric Light and Powr Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: December 6, 1985.

Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Technical Specifications Tables 3.7–2 and 3.7–3 relating to testing requirements and isolation characteristics of containment isolation valves. As a result of long-term modifications to the post-accident sampling system, additional sampling line was installed in the loop B of the jet pumps. The new line is identical to the existing sampling line in loop A. The loop B sampling line contains a new isolation valve similar to the existing isolation valve in the loop A sampling line. The proposed Technical Specification change will add the new loop B sampling line isolation valve in Tables 3.7–2 and 3.7–3 to assure that the loop B valve will be subject to the testing requirements and operating characteristic requirements of the existing containment isolation valves.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92[c]) for determining whether a significant hazards consideration exists. A proposed amendment to an operation license for a facility involves no significant hazards consideration if operating of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

We have reviewed the licensee's request for the Technical Specification change, and find that the proposed amendment:

1. Does not involve a significant increase in the probability or consequences of an accident previously evaluated because the inclusion of the new containment isolation valve in the testing and operating characteristics requirements does not increase the probability or consequences of any accidents;

2. does not creates a possibility of a new or different accident because the inclusion of the new containment isolation valve in testing and operation characteristics requirements is not expected to create a new accident; and

3. does not involve a significant reduction in a margin of safety because testing and conformance with the required characteristics will increase the safety margins.

Therefore, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: January 3, 1986.

Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Technical Specifications reflecting the Iowa Electric Light and Power Company's (licensee's) proposal to demonstrate feasibility of Hydrogen Water Chemistry System as a mitigator of Intergranular Stress Corrosion Cracking (IGSCC) of stainless steel piping at the DAEC. The licensee estimates that the addition of hydrogen to the reactor water will result in an approximate one to five-fold increase in the nitrogen (N–16) activity in the steam as a result of conversion of soluble N–16 to a volatile form. The increase in normal operating activity in the Main Steam Line for the duration of the proposed test necessitates a temporary increase in the current Main Steam Line radiation scram and containment isolation setpoints. The licensee has, therefore, proposed to change (a) Main Steam Line tunnel high radiation scram setpoint, (b) Main Steam Line tunnel high radiation containment isolation setpoint, and (c) the associated bases explaining the rationale for the changes.

The proposed amendment would permit, during a 17-day test, an increase in the calculated radiation background level used to determine setpoints. The main steam line high radiation level setpoint will remain at three times the background radiation level; however, due to the increased N–16 carryover in the steam, the background radiation level used to determine the high radiation setpoint will be increased prior to the test period. The increase in the background level would be based upon the calculated value of the radiation level expected during the tests (approximately a factor of five increase). During controlled power reduction, restoration to pretest setpoints will be done prior to going below 20% of rated power. If due to a recirculation pump trip or other unanticipated power reduction event, the reactor drops below 20% rated power without the setpoint readjustment, control rod withdrawal will be prohibited until the necessary trip setpoint readjustment is made.

The event which takes credit for that above discussed setpoints is the design bases control rod drop accident. The licensee states that the control rod drop accident is of concern only below 10% of rated power. The hydrogen injection will be stopped below 20% power and, as stated above, the setpoints will be returned to pretest positions. In addition, the capability to monitor for fuel failures will be maintained through: (1) The continued operability of the main steam radiation monitoring scram and isolation system; (2) routine radiation surveys; (3) the performance of daily primary coolant water analyses; and (4) the continued operability of the Steam Jet-Air Ejector Off-Gas Monitor. Furthermore, radiation protection practices will be followed by the licensee during the course of the test based upon the licensee's pretest radiation (ALARA) review. During the hydrogen injection test, special radiation level surveys will be performed and protective actions will be taken, as appropriate, to control all onsite personnel exposure. Changes in gaseous effluent release rates for hydrogen injection are expected to be negligible due to the short decay times for N–16.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

We have reviewed the licensee's request which is similar to the request previously reviewed and approved for the Pilgrim, Peach Bottom, and FitzPatrick plants. We find that the proposed amendment:

(1) Does not involve a significant increase in probability and consequences of the control rod drop accident which was previously evaluated to determine the Main Steam Line radiation scram and containment isolation setpoints at the reactor power levels below 20%, because (1) the licensee proposes to suspend the hydrogen addition below 20% of the rated power, (2) reset the setpoints to pretest values at power levels below 20% of the rated power, (3) continue to monitor for fuel failures, and (4) perform special radiation surveys during hydrogen addition test period;

(2) does not create a possibility of a new or different kind of accident because the Main Steam Line high radiation scram and containment isolation setpoint changes are intended to mitigate against previously analyzed accident, i.e., control rod drop accident involving fuel failures; and

(3) does not involve a significant reduction of margin of safety, because pretest setpoints will be restored when power drops below 20% of the rated power, the capability to monitor fuel failures will be maintained, and special radiation level surveys will be performed and protective action taken if needed.

Therefore, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: November 1, 1985, as amended December 10 and December 27, 1985.

Description of amendment request: The amendment would change License Condition 2.C.(26) by increasing the interval for inspection of the low pressure turbine discs.

Basis for proposed no significant hazards consideration determination: License Condition 2.C.(26) in the Grand Gulf Nuclear Station (GGNS) Unit 1 operating license requires inspection of low pressure turbine discs each refueling outage until an acceptable alternate inspection schedule has been established. This interim conservative approach of requiring an inspection each refueling outage was taken by the staff in its December 1981, Supplement No. 1 to the GGNS Safety Evaluation Report (NUREG–0831), based on its evaluation of Westinghouse turbines, because information to justify longer operation for the GGNS turbines was not available. The amendment would

increase the maximum interval for inspection of the discs in the three low pressure turbines at Grand Gulf Nuclear Station, Unit 1, from one fuel cycle (approximately 18 months) to 50,000 hours of operation. The 50,000 hours of coperation would permit reactor operation for four fuel cycles. The turbine generator inspection plan proposed by the licensee is to inspect the high pressure turbine and the generator during the first refueling outage and one of the three low pressure turbines during each of the next three refueling outages. If significant cracks are found during any one of these inspections, all low pressure turbines will be inspected. The inspection cycle would be repeated after the fourth refueling outage. The licensee has requested this change because they believe presently available information on turbine disc integrity for the GGNS turbines, manufactured by Kraftwerk Union (KWU) in West Germany, is adequate to support the proposed alternate inspection schedule. The design of the KWU low pressure turbine disc is intended to minimize stress in the keyway area to make it less susceptible to stress corrosion cracking as compared to older designs. To date, several KWU turbines have undergone complete ultrasonic inspections with no cracking having been found. In addition to the steps taken in the design of the turbines to lessen the susceptibility to stress corrosion cracking, MP&L maintains high reactor feedwater quality by strict compliance with reactor vendor water quality criteria, fuel warranty requirements, and other industry recognized recommendations. A major conservative design feature is that in the event that a cracked disc resulted in a failure, the KWU turbine case has been designed to contain all potential missiles generated at speeds of less than 160% rated speed.

The Commission has made a proposed determination that the amendment would not involve a significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The proposed determination is based on the staff's preliminary review of information provided by the licensee in its amendment request. In the licensee's request by letters dated November 1 and December 27, 1985, the licensee concluded (with appropriate justifying bases) that the proposed amendment does not involve a significant hazards consideration.

The relevant previously evaluated accident under consideration is potential damage by turbine missiles to safety related equipment needed to maintain safe plant shutdown and prevent unacceptable radiological release. The licensee has provided an analysis of the probability of occurrence of a turbine missile accident for the proposed 50,000 hour inspection interval. The probability of the accident is the product of the probability of experiencing a low pressure disc failure due to crack propagation during 50,000 hours of operation and the probability of failure of the overspeed protection system. Failure of the overspeed protection system is necessary to generate a turbine disc missile of sufficient energy to penetrate the low pressure turbine casing and damage safety related equipment. The dominant factor for turbine inspection intervals up to 50,000 hours is the probability of failure of the overspeed protection system, which does not vary with length of inspection interval. Therefore, for inspection intervals up to 50,000 hours, the probability of a turbine missile accident is not significantly increased. Based on its preliminary review of the licensee's submittal, the staff finds that the proposed change in turbine inspection interval does not involve a significant increase in the probability of a previously evaluated accident. The change would not involve a significant increase in the consequences of a previously evaluated accident because it would not change the method or assumptions used in calculating the accident consequences. Because the proposed change does not involve a change to either the turbine or generator equipment, control logic or operating procedures, the change would not create the possibility of a new or different kind of accident from any previously evaluated. Because the lengthening of the LP turbine disc inspection interval has no significant adverse effects on any previous safety analyses presented in the FSAR and does not involve a relaxation of the criteria used to establish safety limits or technical specifications, the proposed change will not result in a significant reduction in a margin of safety.

Accordingly, the Commission proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

Project Director: Walter R. Butler.

Northeast Nuclear Energy Company, et al., Docket No. 50-245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: October 30, 1985.

Description of amendment request: The proposed amendment would change the Technical Specifications to allow control rods to be either electrically or hydraulically disarmed when the control rods are inserted and Refuel Interlocks or Reactor Protection System Trip Functions are inoperable. The existing Technical Specifications require that the control rods be disarmed electrically and hydraulically when inserted under the same conditions.

Basis for proposed no significant hazards consideration determination: The proposed changes to Technical Specifications 3.10, 4.1.D, Table 3.1.1 and Bases 3.1 would allow flexibility in disarming control rods by allowing a variety of disarming methods (any one of which is sufficient to ensure that the control rods remain fully inserted). The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). The proposed change is most closely enveloped by example (vi), a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

The licensee has determined that the proposed change involves a modest relaxation in the operability requirement of the existing Technical Specifications, but is within acceptable criteria as defined in Standard Technical Specifications, will decrease the probability of an error and improve the availability of equipment or improve the system performance. The staff agrees.

The licensee has reviewed the proposed change pursuant to 10 CFR 50.59 and has determined that it does not constitute an unreviewed safety question. Specifically, the margins of safety as defined in the existing

Technical Specification Bases are maintained. In addition, the probability of occurrence or the consequences of a previously analyzed accident have not been increased and the possibility for a new type of accident not previously evaluated has not been created.

The licensee has also reviewed the proposed change, in accordance with 10 CFR 50.92, and has concluded that it does not involve a significant hazards consideration. The basis for this conclusion is that the criteria of 10 CFR 50.92(c) are not compromised, a conclusion which is supported by its determinations made pursuant to 10 CFR 50.59. Since the staff has previously reviewed the requirements for disarming G. E. BWR control rods and approved the Standard Technical Specifications that allow either electrical or hydraulic disarming of fully inserted control rods, the staff proposes to determine that the license amendment request involves no significant hazards considerations.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Project Director: Christopher I. Grimes.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant Units 1 and 2, City of Red Wing, Goodhue County, Minnesota

Date of amendment request: January 13, 1986.

Description of amendment request: The proposed amendments would:

1. Add reference to the WRB–1 DNB correlation for Westinghouse fuel and identify that the W–3 DNB correlation will be used for Exxon fuel.

2. Delete reference to the "moderator temperature coefficient" in Specification 3.1.F.1. In place of the existing restriction on isothermal temperature coefficient, require the isothermal temperature coefficient to be below 5 pcm/°F when below 70% power and negative above 70% power.

Change the associated bases.

Replace the existing action statement, specification 3.1.F.3, with the Standard Technical Specification action statements, specification 3.1.1.3, except the requirement to submit a special report in 10 days has been changed to allow 30 days to submit the report.

3. Change the volume requirement for the accumulators from "between 1250 and 1282.9" to "1270 ±20" in specification 3.3.A.1.b.(2).

4. Change the peaking factors limits in Section 3.10 as shown below:

	Old value	New value
F_Q	2.32	2.30
FdH	1.55	1.60
FdH equation	1+0.2(1-P)	1+0.3(1-P)

Note.—The old F_Q for Westinghouse fuel was 2.21.

Revise the peaking factor equations on page TS.2.1–2.

Delete definitions of $BU(E_i)$ and E_j in the specification and references to them in the bases.

Increase the required high neutron flux trip setpoint reduction from 1% to 3.33% for each percent that measured FdH exceeds the limit.

Revise the bases of Section 3.10 as necessary for the peaking factor changes. The bases have also been edited to removed some outdated information, e.g. deletion of the definition of the term $F_Q(Z)$, deletion of a description of the FdH uncertainties and deletion of a discussion of rod bow.

Delete Figure TS.3.10–7, renumber the next sequentially numbered curve and delete references to the curve.

5. On Figure TS.3.10–5, delete the third line segment and extend the second line segment to the 12 foot level. Change the associated bases.

Basis for proposed no significant hazards consideration determination: The proposed changes have been reviewed against the criteria of 10 CFR 50.92, namely that the proposed changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

The proposed changes referencing the WRB–1 DNB correlation are related to methodology changes currently under review by the staff. While these changes may change the consequences of a previously-analyzed accident or may change a safety margin, the results are clearly within all acceptable criteria. The proposed changes relating to the isothermal temperature coefficient have been supported by the licensee's safety evaluation contained in their application.

While the temperature coefficient revision may change the consequences of a previously-analyzed accident or may change a safety margin, the results are clearly within all acceptable criteria and the changes are not considered significant.

The proposed changes related to accumulator level have been reviewed by the licensee including their effect on the Westinghouse LOCA analysis.

While this change may result in some change in the consequences of a previously-analyzed accident, the results would be clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

The licensee has reviewed the proposed peaking factor changes and has submitted analyses supporting the proposed changes.

A revised large break LOCA analysis has been performed for the worst case break (CD–0.4) for Exxon fuel. This analysis (submitted November 4, 1985) assumed an F_Q of 2.32, FdH of 1.60, thimble plug removal and the new upper internals.

While this change may result in some change in the consequences of a previously-analyzed accident or may change in some way a safety margin, the results are clearly within all acceptable criteria.

With regard to the proposed change of removing the third line segment of the K(z) curve, this change is supported by recent small break LOCA analyses performed by Westinghouse on Westinghouse and Exxon fuel assemblies. Both analyses show that the small break LOCA peak cladding temperature is approximately 1000°F and support the removal of the third line segment of the K(z) curve.

While this revision may change the consequences of a previously-analyzed accident or may change in some way a safety margin, the results are clearly within all acceptable criteria.

Based on the above, the staff has determined that the proposed changes will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

Therefore, the staff proposes to determine that the amendments would not involve a significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, DC 20036.

NRC Project Director: George E. Lear.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment request: October 24, 1985 (Reference LAR 86–11).

Description of amendments request: The proposed amendment would revise the Diablo Canyon combined Technical Specifications for Units 1 and 2 in four areas as follows:

1. Loose-part Detection System: This change would add a new Technical Specification 3/4.3.3.11, "Loose-Part Detection System," requiring the system to be operable in Modes 1 and 2 and establishing surveillance requirements for each channel of the system. An associated Bases section would also be added.

2. Reactor Coolant System Relief Valves: This change to Technical Specification 3/4.4.4 would revise the Actions to be taken when PORV(s) or block valve(s) are inoperable by: (1) Making Action a. apply to PORV(s) that are inoperable because of excessive seat leakage; (2) adding a new Action b. that applies to PORV(s) that are inoperable due to causes other than excessive seat leakage; (3) changing existing Action b. to Action c. and replacing that part of the Action dealing with plant shutdown with a new requirement related to PORV(s) isolation and appropriate compliance with new Action b; (4) changing existing Action c. to Action d.; and (5) adding additional information to the Bases section on the safety-related function and operability of the PORVS.

3. Reactor Coolant System (RCS) Pressure/Temperature Limits: This change to Technical Specification 3/4.3.4 would revise Figures 3.4–2 and 3.4–3 on Heatup and Cooldown Limitations to reduce the service life period from 6 effective full power years (EFPY) to 5 EFPY. The associated Bases section would also be revised to reflect the reduction from 6 EFPY to 5 EFPY.

4. Reporting Requirements for Startup Reports: This change would clarify the requirements in Administrative Control 6.9.1.2 for initial startup reports and would add a requirement for subsequent reports to address tests necessary to demonstrate acceptability of changes and/or modifications.

These changes had been requested by the NRC staff as stated in the Diablo Canyon Safety Evaluation Report, Supplement No. 32, July 1985.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined that the proposed revisions do not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes to add a specification for the loose-part detection system, to provide more restrictive actions in the event of inoperable PORVs, and to reduce the service life period applicable to the RCS heatup and cooldown limitations all constitute additional restrictions not presently included in the Technical Specifications and because the proposed change to clarify and supplement the requirements for startup reports is administrative in nature.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed changes do not involve physical alteration of the plant and either further restrict or have no affect on plant operations.

(3) Involve a significant reduction in the margin of safety because the proposed changes either involve additional restrictions not presently included in the Technical Specifications or are administrative.

Accordingly, the licensee has determined that the proposed changes to the Technical Specifications involve no significant hazards consideration. The NRC staff has reviewed the proposed amendment and the licensee's determination and finds it acceptable.

Therefore, the staff proposes to determine that no significant hazards consideration is involved in the proposed amendment.

Local Public Document Room location: California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Attorneys for Licensee: Philip A. Crane, Esq., Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., Norton, Burke, Berry and French, P.O. Box 10569, Phoenix, Arizona 95064.

NRC Project Directorate: Steven A. Varga.

Pennsylvania Power and Light Company, Docket No. 50–388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of amendment request: December 19, 1985.

Description of amendment request: The purpose of the amendment is to request a change to the Unit 2 Technical Specifications, Table 3.3.2–2. The licensee is proposing that the setpoint for MSIV isolation on reactor vessel water level be changed from Level 2 (L2) to Level 1 (L1) in order to reduce the number of challenges to the Safety Relief Valves (SRV). The change is consistent with the NRC recommendations in Item 16 of NUREG–0737 Section II.K.3, "Reduction of Challenges and Failures of Relief Valves—Feasibility Study and System Modification." This exact change was issued on May 28, 1985, for Unit 1.

Basis for Proposed No Significant Hazards Consideration Determination: The licensee in his letter dated December 19, 1985, stated that the proposed change does not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. FSAR Chapters 5, 6, and 15 were reviewed to determine the impact of changing the MSIV closure setpoint on the transient and accident analyses. Seven MCPR transients and the loss of coolant accidents result in MSIV closure on L2 water level.

The transient events include generator load rejection with and without bypass, turbine trip with and without bypass, recirculation pump trip (both pumps), recirculation pump seizure, and loss of feedwater flow. The first six events result in a loss of feedwater flow due to the Level 8 (L8) feedwater pump trip followed by a rapid drop in water level due to the void collapse after the L8 turbine trip and scram. The L2 setpoint is reached approximately 30 seconds later since the water level decreases slowly following the initial drop. Changing the MSIV closure setpoint to L1 will result in HPCI and RCIC initiation at 30 seconds with no MSIV closure. Water level will increase following HPCI and RCIC injection, and MSIV closure is not expected to occur for these six transients. Since the reactor is scrammed 30 seconds prior to the L2 trip, the MCPR has increased well above the safety limit. Therefore, changing the MSIV closure setpoint does not affect the thermal margin for the first six transients listed above. The loss

of feedwater flow event results in a slightly different scenario. Upon loss of feedwater flow, the reactor water level decreases to the Level 3 (L3) setpoint which results in a reactor scram. Because the water level is at the L3 setpoint, the void collapse following the scram causes the water level to drop to the L2 setpoint. Changing the MSIV closure setpoint to L1 will result in HPCI and RCIC initiation with no MSIV closure. Water level will increase following the HPCI and RCIC injection, and the MSIV closure is not expected to occur. Because reactor power decreases prior to the scram due to the reduced core inlet subcooling and because the reactor scrammed a few seconds prior to water level reaching the L2 setpoint, the MCPR has increased well above the safety limit prior to the time L2 is reached. Therefore, changing the MSIV closure setpoint does not affect the thermal margin evaluation for the loss of feedwater flow event.

The loss of coolant accidents also result in a rapid drop in reactor water level. As stated in FSAR Table 6.3–1, a loss of offsite power is assumed coincident with the LOCA. Chapter 15 of the FSAR shows MSIV closure will occur upon a loss of auxiliary power. Therefore, changing the MSIV closure setpoint from L2 to L1 does not affect the LOCA analysis because the MSIVs close due to the loss of offsite power. For a LOCA with offsite power available, changing the MSIV closure setpoint from L2 to L1 will result in a faster pressure decrease which results in earlier low pressure ECCS injection and lower peak clad temperature.

(2) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. As described above, the change involves revising the setpoint of a previously evaluated trip function. This item can change the results of a previous analysis, but cannot create a different type of accident.

(3) The proposed change do not involve a significant reduction in a margin of safety. This proposed modification reduces the probability of a malfunction of equipment. It will delay or eliminate MSIV closures for many transient events which reduce the number of SRV openings and MSIV closure. Challenges to the HPCI and RCIC systems are reduced by preserving the availability of the feedwater system which allows the operator to suppress those systems' cyclical operation. This likely reduces the probability of a stuck open relief valve and failure of HPCI, RCIC, or MSIVs.

The NRC staff agrees with the licensee's evaluation in this regard and, based on the above, proposes to find the proposed changes to Technical Specification Table 3.3.2.–2 do not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: E. Adensam.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: January 17, 1986.

Description of amendment request: The proposed amendment would revise the technical specifications (TS) of Browns Ferry Nuclear Plant Units 1, 2, and 3 to provide various improvements and clarifications to the Administrative Controls section. The changes include:

(1) Revise section 6, Administrative Controls, to incorporate the format of Standard Technical Specifications (STS). This includes the use of the STS page numbering system, revised index/table of contents and relocation of several requirements, revising all the references within TS to sections in section 6, incorporating STS language for actions to be taken in the event of a safety limit violation or reportable event, changing the title of the Special Work Permit (SWP) to the Radiological Work Permit (RWP), and allowing 15 days to submit the monthly report to NRC as is allowed in STS.

(2) Revise the minimum plant staffing requirements to reflect the guidance of STS and requirements of 10 CFR 50.54(m). This includes deletion of the note requiring that the Shift Technical Advisor be onsite at all times, deletion of the note requiring senior operator license (SRO) training for managers, adding a note that requires an SRO to be in the control room of a unit whenever it is in an operational mode other than cold shutdown or refueling, clarifying the requirement for an SRO to directly supervise fuel handling, addition of requirements for the site fire brigade and the STS note regarding the minimum requirements for the fire brigade and health physics technician, and finally to revise the table for minimum shift crew requirements to reflect guidance of STS and requirements of 10 CFR 50.54(m).

(3) Organizational changes within TVA have resulted in revisions to the offsite and facility organization charts.

(4) Deletion of unnecessary and/or obsolete notes and requirements. Two footnotes at the end of the Reporting Requirements section which defined the terms, "forced outage" and "forced reduction in power" are deleted by this amendment since they are not referenced anywhere in these TS or in STS. Two other notes which were unreferenced at the end of this section were moved to the proper locations and referenced similar to STS. The requirement for the Annual Operating Report specifies that operation of the "safety/relief valves" should be included in the report. However, "safety valves" were deleted from the TS by previous amendments, therefore, this reference is being changed to only "relief valves". Similarly the amendment will delete a requirement to maintain records "which are covered under the provisions of paragraph 6.10," since paragraph 6.10 was deleted by previous amendments.

(5) The section that describes the Plant Operations Review Committee (PORC) has been revised to reflect a new emphasis on matters that relate to nuclear safety. The PORC membership and meeting requirements have been more clearly defined and the responsibilities revised to reflect the new emphasis and the proposed change in the technical review of modifications and procedures. The PORC section is also revised to reflect the new TVA organization and guidance of STS.

(6) The technical review and approval of procedures and proposed modifications has been changed to incorporate the use of members of the site supervisory staff designated by the plant manager to perform the required technical and cross-disciplinary review responsibilities. The procedures section has been revised to more clearly delineate those procedures which are required to be established, implemented, and maintained by referencing Appendix A of Regulatory Guide 1.33.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards consideration (48 FR 14870). These examples include: (i) A purely administrative change to technical specifications: for example a change to achieve consistency throughout the

technical specifications, correction of an error, or a change in nomenclature.

The Commission has also provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Changes No. 1 and 4 apply to simple changes in nomenclature and editorial changes. These changes are purely administrative in nature and are encompassed by example (i) of actions not likely to involve significant hazards considerations.

Changes 2, 3, 5 and 6 reflect a licensee management reorganization which has been implemented for the purpose of improving management overview of facility operations, modifications, and maintenance activities. In addition the technical review and approval of procedures and modifications has been changed. Because the changes to the TS do not modify or delete any TS Definitions, Safety Limits, Limiting Safety System Settings, Limiting Conditions for Operation, or Surveillance Requirements they will not increase the possibility or consequences of a previously analyzed accident, introduce the possibility of a new kind of accident, or reduce a safety margin. Because the changes will improve management overview of plant activities, they are likely to have the indirect effect of improving the margin of safety and reducing the possibility of an accident.

Since the application for amendment involves proposed changes that are encompassed by the standards or an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H.S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Project Director: Daniel R. Muller.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: November 15, 1985 as supplemented by submittals dated December 13, 1985 and January 28, 1986.

Brief description of amendment: The purpose of the proposed amendment is to revise the Technical Specifications which are necessary to support a transition from a Westinghouse 17 × 17 low-parasitic (LOPAR) fueled core to a Westinghouse 17 × 17 optimized fuel assembly (OFA) fueled core. These revisions are the result of several changes to design and analytical methodology as compared to those employed for the Cycle 1, LOPAR core.

Basis for proposed no significant hazards consideration determination:

Design Changes

Optimized Fuel Assembly (OFA). This amendment incorporates the technical specification changes which are necessary for the replacement of Westinghouse 17 × 17 LOPAR fuel assemblies with Westinghouse 17 × 17 OFAs. This replacement will be performed over a number of cycles. In Cycle 2, the core will include one reload region of OFA. In subsequent cycles, additional regions of OFAs will be used until the core is completely OFA. Detailed descriptions of the OFA fuel and the Westinghouse reload methodology can be found in WCAP-9500-A, "Reference Core Report 17 × 17 Optimized Fuel Assembly", and WCAP-9272-P-A, "Westinghouse Reload Safety Evaluation Methodolgy", respectively. Both of these reports have received generic approval from the staff and have been referenced in connection with the approval of similar license amendments for other facilities.

The use of OFA fuel increases the efficiency of the core by reducing the amount of parasitic material and reduces fuel cycle costs by optimizing the water to uranium ratio.

1. This change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The OFA is mechanically compatible with the LOPAR fuel assembly, reactor internal interfaces, fuel handling and refueling equipment, and spent fuel storage racks. This facilitates the transition. The assembly envelope and grid centerline elevations for both designs are identical, thereby minimizing mechanical and hydraulic interaction. However, there are several design differences between the OFA and LOPAR assemblies. The OFA has reduced fuel rod, guide thimble, and instrumentation tube diameters, and has six intermediate zircaloy (mixing vane) grids instead of six intermediate inconel (mixing vane) grids in the LOPAR assembly.

The zircaloy grids have thicker and wider straps than the inconel grids which compensate for differences in material strength properties. The overall 17 × 17 OFA pressure drop is essentially the same as that for the 17 × 17 LOPAR assembly.

2. This change does not create the possibility of a new or different kind of accident from any accident previously evaluated. This is based on the fact that the method and manner of plant operation is unchanged.

3. This change does not involve a significant reduction in a margin of safety. In a mixed core of OFA and LOPAR assemblies, the different grid structures and rod diameters result in a localized flow redistruibution between an adjacent OFA and LOPAR assembly. The effect of this localized flow redistribution is bounded by applying to the OFAs a 2% departure from nucleate boiling ration (DNBR) and 10 degrees-Fahrenheit loss of coolant accident (LOCA) peak clad temperature (PCT) transition penalties which are used in the design and safety analyses. As a result of the smaller OFA fuel rod diameter, for the same power level the OFA rod has a higher volumetric heat generation and surface heat flux than the LOPAR assembly rods. In addition, the reduction in the OFA guide thimble tube diameter results in an increase in the control rod scram time to the dashpot from 2.2 to 2.4 seconds. This increase, as well as the other effects of changes in design, have been incorporated in the non-LOCA transient analyses. The results of these new analyses indicate that the ANS Condition II acceptance criteria for faults of moderate frequency (no fuel or clad failure) are still met. The results of the new LOCA analyses, presented in Attachments D and G, indicate that the acceptance criteria of 10 CFR 50.46 are still met.

In summary, the physics characteristics for the OFA fuel are only slightly different from those of the LOPAR fuel. The differences are within the normal range of variations seen from cycle to cycle and are well within the envelope of conditions analyzed. Therefore, there is no significant reduction in the safety margin.

Wet Annular Burnable Absorbers (WABA). A Wet Annular Burnable Absorber rod will be used in the Callaway reload cores which utilize 17 × 17 OFA fuel. The WABA design has

annular aluminum oxide—boron carbide absorber pellets contained within two concentric zircaloy tubes with water flowing through the center tube as well as outside the outer tube. The burnable absorber used for Cycle 1 was an annular borosilicate glass burnable absorber with a gass filled central tube and outer stainless steel clad. There are improved fuel cycle benefits associated with the WABA design. These result from lower parasitic neutron absorption of zircaloy as compared with stainless steel tubes, the increase in water fraction in the burnable absorber cell, and a reduction in the boron penalty at the end of each cycle. The design of the WABA is discussed in detail in WCAP-10021-P-A-Rev. 1, "Westinghouse Wet Annular Burnable Absorber Evaluation Report", which has received generic staff approval and has been referenced in connection with the approval of similar license amendments for other facilities. For the WABA rods, there is a larger core bypass flow than that for the glass absorber rod. In order to assure that the total core bypass flow remains within its design basis limit, the number of WABA rods used for Cycle 2 and subsequent reloads will be limited to less than the allowable number of WABA rods approved in WCAP-10021-P-A-Rev. 1.

1. This change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The referenced WCAP evaluates the material properties and mechanical performance of the WABA design. The WABA design requirements are satisfied and the cladding integrity is maintained throughout the design lifetime.

2. This change does not create the possibility of a new or different kind of accident from any accident previously evaluated. This is based on the fact that the method and manner of plant operation is unchanged.

3. This change does not involve a significant reduction in a margin of safety. The referenced WCAP evaluates the nuclear and thermal-hydraulic design and concludes that the WABA rods satisfy all performance and design requirements for their design life.

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). This amendment request is similar to example (vi), a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan, NUREG-0800. The design changes specified do not involve a significant increase in the probability or consequences of an accident or other adverse condition over previous evaluations; nor create the possibility of a new or different kind of accident or condition over previous evaluations; nor involve a significant reduction in the margin of safety. Based on the above, the design changes do not present a significant hazard.

Analytical Changes

Improved Thermal Design Procedure (ITDP) And WRB-1 DNB Correlation. The design method employed with OFA fuel to satisfy the departure from nucleate boiling (DNB) design basis is the Improved Thermal Design Procedure (ITDP). This methodology is described in WCAP-8567, "Improved Thermal Design Procedure," which has received generic approval from the staff and has been referenced in connection with the approval of similar license amendments for other facilities. This methodology is also discussed in WCAP-9500-A. The ITDP treats plant operating and fuel parameters in a statistical manner to asure that DNBR limits are met. For Cycle 1 with LOPAR fuel, a standard thermal-hydraulic methodology was used which considered plant and fuel best-estimate parameters and their uncertainties in a non-statistical manner to assure that DNBR limits were met.

The new analyses also utilize the WRB-1 DNB Correlation instead of the W-3 R-Grid Correlation which was utilized for Cycle 1. The WRB-1 Correlation provides a more accurate critical heat flux prediction than the W-3 R-Grid Correlation. This methodology is described in WCAP-8762-P-A, "New Westinghouse Correlation WRB-1 for Predicting Critical Heat Flux in Rod Bundles with Mixing Vane Grids", which has received generic staff approval and has been referenced in connection with the approval of similar license amendments for other facilities. This methodology is also discussed in WCAP-9500-A, referenced above in connection with the discussion of OFA.

Use of the ITDP model and WRB-1 Correlation in the non-LOCA analysis makes available additional DNBR margin without encroaching on required safety margins. A portion of the additional margin, assuming a maximum core thermal power of 3565 MWt instead of the licensed rated thermal power of 3411 MWt, is used in the safety analyses required for the change to OFA. These evaluations and analyses of the applicable DNB-limiting transients were carried out at the assumed higher and, therefore, conservative maximum core thermal power level of 3565 MWt.

The W-3 R-Grid DNB Correlation used in the analysis of the Callaway Cycle 1 design was developed from experimental DNB studies conducted with fluid flowing inside heated tubes, modified so as to be applicable to the test results for the LOPAR fuel design. Following development of the W-3 R-Grid DNB Correlation, Westinghouse developed the WRB-1 Correlation. The WRB-1 Correlation, based exclusively on rod bundle tests with fluid flowing outside the heated tubes, a condition which is much more representative of the actual core configuration than the single tube tests on which the W-3 R-Grid Correlation was based, is a better predictor of DNB for actual nuclear reactor geometries. The DNBR acceptance limit for the WRB-1 Correlation is therefore lower than that for the W-3 R-Grid Correlation since the data scatter is smaller. Using the same statistical methods used to calculate the W-3 R-Grid DNBR acceptance limit of 1.30, the WRB-1 Correlation acceptance limit is 1.17. The 1.17, DNBR acceptance limit has been accepted by the staff as satisfying the DNB design basis when utilizing the WRB-1 correlation.

The change in the DNBR acceptance limit associated with the change in the DNB correlations in no way implies a reduction in the safety margin for Callaway. This is true because the DNB design basis that there is a 95% probability with a 95% confidence level that the hottest rod does not experience DNB remains unchanged.

The ITDP methodology is employed to show that the DNB design basis is satisfied. Uncertainties in plant operating parameters, nuclear and thermal parameters, and fuel fabrication parameters are considered statistically such that there is at least a 95% probability with a 95% confidence level that the minimum DNBR will be greater than or equal to 1.17 for the limiting power rod under normal and abnormal operating conditions. Plant parameter uncertainties are used to determine the plant DNBR uncertainty. This DNBR uncertainty, combined with the DNBR acceptance limit, establishes a DNBR value which must be met in plant safety analyses. Since the parameter uncertainties are considered in determining the design DNBR value, the plant safety analyses are performed using nominal values of input parameters without uncertainties.

In addition to the above considerations, a plant specific DNBR margin has been considered in these

analyses. In particular, the DNBR values of 1.42 and 1.45, for thimble and typical cells, respectively, were employed in the safety analyses. The DNBR margin between the DNBRs used in the safety analyses (1.42 for thimble cells and 1.45 for typical cells) and the design DNBR values (1.32 for thimble cells and 1.34 for typical cells) is more than sufficient to compensate for the DNBR penalties associated with transition core and rod bow effects and allows for design flexibility

1. This change does not involve a significant increase in the probability or consequences of an accident previously evaluated. This is based on the fact that the DNB design basis and correlation do not involve any design change but only analytical changes.

2. This change does create the probability of a new or different kind of accident from any accident previously evaluated. This is based on the fact that the method and manner of plant operation is unchanged.

3. This change does not involve a significant reduction in a margin of safety described in the discussions provided above and the WCAPs referenced therein. The change in the DNBR limit associated with the change in the DNB correlations in no way implies a reduction in the safety margin for Callaway. This is true because the DNB design basis (i.e., that there is a 95% probability with a 95% confidence level that the hottest rod does not experience DNB) remains unchanged.

PAD. The revised PAD fuel performance code is used to perform the fuel temperature calculations for the Callaway reload cores. The termal safety model within the new PAD code includes a modified annular gap conductance model, isotropic burnup-dependent fuel densification, a 0.7 multiplier on the creep rate, best-estimate basis modeling techniques, and uncertainties obtained from a statistical combination of model uncertainty and uncertainties due to manufacturing variations which are added to the calculated temperatures.

The revised PAD code, based in part on more test data, is described in WCAP–8720, Addendum 2, "Westinghouse Revised PAD Code Thermal Safety Model", which has received generic approval from the staff and has been referenced in connection with the approval of similar license amendments for other facilities. Use of the revised PAD code thermal safety model provides more realistic initial fuel temperatures for the safety analyses. The use of these more realistic temperatures has also been approved by the staff in their SER for WCAP–8720. The fuel temperatures calculated with the new PAD code are lower than those calculated with the code used for the Cycle 1 analyses.

1. This change does not involve a significant increase in the probability or consequences of an accident previously evaluated. This is based on the fact that no design change is involved, but only analytical modeling techniques are changed.

2. This change does not create the possibility of a new or different kind of accident from any accident previously evaluated. This is based on the fact that the method and manner of plant operation is unchanged.

3. This change does not involve a significant reduction in a margin of safety. The revised PAD code thermal safety model is an NRC-approved methodology which results in more realistic temperature predictions, lower than those calculated for the Cycle 1 analyses.

Small Break LOCA Analyses. The change to OFA from LOPAR requires reanalysis of the small break loss of coolant accidents (LOCAs) to demonstrate compliance with the requirements of 10 CFR 50.46 and to develop OFA specific peaking factor limits.

Because Union Electric desired that these analyses be applicable to Callaway over the long term, they were performed at an assumed upper bound design thermal power level of 3565 MWt and with the assumption that 10% of the tubes in the steam generators have been plugged. This also involved the use of fuel data based upon the revised PAD code fuel model (WCAP–8720, Addendum 2) as described above. In Cycle 2, Callaway will operate at a core power level of 3411 MWt. Only a few of the tubes in the steam generators have been plugged and the likelihood that as many as 10% will have to be plugged in considered to be very low. These assumptions lead to higher peak clad temperatures (PCT) than would otherwise be predicted and are therefore very conservative.

The small break LOCA analysis was performed using the Westinghouse NOTRUMP model described in WCAP–10054–P–A, which has been approved generically by the staff and been referenced in connection with the approval of similar amendments for other facilities.

1. This change does not involve a significant increase in the probability or consequences of an accident previously evaluated. This is based on the fact that no design change is involved, but analytical models have been updated to the most recently approved versions.

2. This change does not create the possibility of a new or different kind of accident from any accident previously evaluated. This is based on the fact that the method and manner of plant operation is unchanged.

3. This change does not involve a significant reduction in a margin of safety in that the results of this analysis show the PCT is well below the 2200 degree F limit of 10 CFR 50.46.

Large Break LOCA Analysis. The change to OFA from LOPAR requires reanalysis of the large break loss of coolant accident (LOCA) to demonstrate compliance with the requirements of 10 CFR 50.46 and to develop OFA-specific peaking factors.

The large break LOCA analysis performed using the NRC approved Westinghouse BART model described in WCAP–9562–P–A was submitted by letter dated January 28, 1986. The results of this analysis show the peak clad temperature (PCT) from the BART analysis to be below the 2200 degree-F limit of 10 CFR 50.46.

During the transition from LOPAR to OFA, because the hydraulic resistances of these assemblies differ slightly, the possibility of flow redistribution during the reflood phase of a LOCA exists. This can lead to a PCT for the transition core that is somewhat higher than that for a full core of LOPAR or OFA. Westinghouse studies performed using the BART model show that in a transition core, the effect of the difference in hydraulic resistance between a LOPAR assembly and an OFA assembly is to reduce the steam flow velocity in the OFA at the elevation of the mixing vane grid during the reflood phase of the LOCA transient. This effect is offset somewhat by the improvement in heat transfer attributable to the effects of the mixing vane grids. The net effect is an increase of not more than 10 degrees-Fahrenheit. This penalty is applicable only during the transition core period and is only applied to the results of the large break LOCA analyses, which are performed assuming a full core of either LOPAR or OFA fuel.

The OFA-specific peaking factor limits were developed in a manner consistent with the methodology described in the NRC approved "Reference Core Report 17 x 17 Optimized Fuel Assembly", WCAP–9500–A.

1. This change does not involve a significant increase in the probability or consequences of an accident previously evaluated. This is based on the fact that no design changes are involved with the exception of a bounding assumption that

up to 10% of the tubes in the steam generators have been plugged. This assumption has been used in the revised LOCA analyses, using the NRC approved BART model, and the PCT remains below the regulatory limit and the radiological consequences are not significantly affected as reported in Attachment F to Reference 1.

2. This change does not create the possibility of a new or different kind of accident from any accident previously evaluated. This is based on the fact that the method and manner of plant operation is unchanged.

3. This change does not involve a significant reduction in a margin of safety in that the analyses, using the NRC-approved BART model, show the PCT is below the regulatory limit of 2200 deg-F.

Analytical Changes Significant Hazards Summary. The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). This amendment request is similar to example (vi), a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan, NUREG–0800. The analysis changes specified do not involve a significant increase in the probability or consequences of an accident or other adverse conditions over previous evaluations; nor create the possibility of a different kind of accident or condition over previous evaluations; nor involve a significant reduction in the margin of safety. In addition, the analysis changes, have all received generic approval from the staff and have been referenced in connection with the approval of similar license amendments for other facilities. Based on the above, the analysis changes do not present a significant safety hazard.

Based on the foregoing, the requested amendment does not present a significant hazard.

Local Public Document Room locations: Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and Olin Library of Washington University, Skinker and Lindell Boulevard, ST. Louis, Missouri 63130.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, DC 20036.

NRC Project Director: B.J. Youngblood.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this bi-weekly notice. They are repeated here because the bi-weekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notices does not extend the notice period of the original notice.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: January 15, 1986.

Brief description of amendment: The amendment would modify Technical Specification Sections 3.6.2 and 4.6.2 to allow Yarway water level column No. 12 to be out of service during the Spring 1986 refueling outage.

Date of publication of individual notice in **Federal Register:** February 12, 1986 (51 FR 5285).

Expiration date of individual notice: March 14, 1986.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see: (1) The applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of application for amendment August 9, 1985.

Brief description of amendment: Technical Specifications Table 3.1.1 has been revised by changing a formula for the APRM high flux scram setpoint and by restoring a missing reference to note (13).

Date of issuance: February 4, 1986.

Effective date: 30 days after date of issuance.

Amendment No.: 92.

Facility Operating License No. DPR–35. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 25, 1985 (50 FR 38910). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 4, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswich Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment September 6, 1985.

Brief description of amendment: The amendments change the Technical Specifications (TS) to include administrative corrections to both BSEP–2 and BSEP–2 and a minor technical correction to BSEP–1. The administrative corrections include misspellings, inadvertent omissions, mislabeling, incorrect referencing of TS Tables and sections, and deletion of footnotes. The technical correction deals with the time of operation of the fire suppression system pumps to determine operability.

Date of issuance: January 30, 1986.

Effective date: January 30, 1986.

Amendment Nos.: 94 and 119.

Facility Operating License Nos. DPR–71 and DPR–62. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 9, 1985 (50 FR 41244) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Commonwealth Edison Company, Docket No. 50–454, Byron Station, Unit No. 1, Ogle County, Illinois

Date of Application for Amendment: September 27, 1985.

Brief Description of Amendment: The Amendment approves changes to the Technical Specifications to correct typographical and grammatical errors on six pages.

Date of Issuance: February 13, 1986.

Effective: February 13, 1986.

Amendment No.: 2.

Facility Operating License No. NPF–37: Amendment revised the Technical Specification.

Date of Initial Notice in **Federal Register:** October 23, 1985 (50 FR 43022).

No significant hazards consideration comments received: No.

Local Public Document Room Location: Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois.

Commonwealth Edison Company, Docket No. 50–373, La Salle County Station, Unit 1, La Salle County, Illinois

Date of application for amendment: November 13, 1985

Brief Description of amendment: This amendment revises the La Salle Unit 1 Technical Specifications to reflect a reactor scram on low control rod drive pump discharge pressure modification as required for completion by License Condition 2.C.(15).

Date of issuance: February 4, 1986.

Effective date: Upon startup following the first refueling outage.

Amendment No.: 33.

Facility Operating License No. NPF–11. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 4, 1985 (50 FR 49784).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 4, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Commonwealth Edison Company, Docket No. 50–373, La Salle County Station, Unit 1, La Salle County, Illinois

Date of amendment request: November 13, 1985.

Brief Description of amendment request: This amendment would add an excess flow check valve to the instrument line for the containment flood-up measurement system, to the La Salle, Unit 1 Technical Specifications. This excess flow check valve is a primary containment isolation valve, and therefore, must be added to Table 3.6.3–1 of the Technical Specifications.

Date of Issue: February 10, 1986.

Effective date: Upon startup following the first refueling outage.

Amendment No.: 34.

Facility Operating License No. NPF–11: Amendment revised the Technical Specifications.

Date of inital notice in **Federal Register:** December 4, 1985 (50 FR 40783).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 1986.

No significant hazards consideration comments received: None.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Commonwealth Edison Company, Docket Nos. 50–254 and 50–265, Quad Cites Nuclear Power Station, Units 1 and 2, Rock Island County, Illinos

Date of application for amendment: May 2, 1983.

Brief description of amendment: The amendments authorize changes to the Technical Specifications which specify what the reactor pressure should be when conducting scram testing following a refueling outage and revise the requirement of isolating the control rod drive pumps to apply only to single rod scram testing.

Date of issuance: February 7, 1986.

Effective date: February 7, 1986.

Amendment Nos.: 92 and 89.

Facility Operating License Nos. DPR–29 and DPR–30. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 21, 1983 (48 FR 56500).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 7, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Moline Public Library, 504–17th Street, Moline, Illinois 61265.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: April 10, 1985.

Brief description of amendment: The amendment changes the Technical Specification to revise the limits for total nuclear peaking factor (F_Q) and accumulator water volume to accommodate plant operation at steam generator plugging levels up to 25%. The change permits a maximum F_Q of 2.32 up to 25% steam generator tube plugging with norminal accumulator values of 822 ft^3.

Date of issuance: January 29, 1986.

Effective date: Immediately to be implemented within 30 days.

Amendment No.: 109.

Facilities Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of intial notice in **Federal Register:** June 4, 1985 (50 FR 23546).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 1986.

No significant hazards consideration comments received; No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendment: June 7, 1985 as revised September 3, 1985 and Supplemented December 4, 1985.

Brief description of amendment: The amendment incorporates the requirement to adhere to the "Plan for the Big Rock Point Integrated Assessment" and the terms therein for implementing changes to its contents. Included with the amendment are the plan and a complete listing of all known safety-related modifications to be implemented during the next 3 years.

Date of issuance: February 12, 1986.

Effective date: February 12, 1986.

Amendment No.: 82.

Facility Operating License No. DPR–6. This amendment revised the license.

Date of initial notice in **Federal Register:** August 14, 1985 (50 FR 32792).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation date February 12, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Consumers Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: October 22, 1985.

Brief description of amendment: The amendment revised the method for performing the monthly operability test of the Containment High Radiation Monitors.

Date of issuance: January 30, 1986.

Effective date: January 30, 1986.

Amendment No.: 94.

Provisional Operating License No. DPR–20. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 30, 1985 (50 FR 53230).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Consumers Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: April 30, 1985.

Brief description of amendment: The amendment clarified the action required by the Technical Specification for primary coolant system leakage when the leakage exceeds the specified limits, and deleted a specification on leakage that was only applicable to cycle 2 operation which ended several years ago.

Date of issuance: January 30, 1986.

Effective date: January 30, 1986.

Amendment No.: 95.

Provisional Operating License No. DPR–20. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 30, 1985 (50 FR 53230).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Consumers Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: September 17, 1984 with supplements dated May 31, June 21, and October 28, 1985.

Brief description of amendment: The amendment revised the Technical Specifications for the Auxiliary Feedwater System to reflect modifications made to the pump. These changes are consistent with the NRC guidance in Generic Letter 83–37 and Item II.E.1.1 of NUREG–0737, Long Term Auxiliary Feedwater Evaluation. All change requests, as modified by supplemental submittals were approved except for the extension of allowable outage time for an auxiliary feedwater pump from 72 hours to 7 days. That request will be the subjet of separate, future licensing action.

Date of issuance: January 30, 1986.

Effective date: January 30, 1986.

Amendment No.: 96.

Provisional Operating License No. DPR–20. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 30, 1985 (50 FR 53231).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Duke Power Company, et. al., Docket No. 50–413, Catawba Nuclear Station, Unit 1, York County, South Carolina

Date of amendment request: April 29, 1985.

Description of amendment request: The amendment changes the Technical Specifications to revise surveillance requirement 4.3.4.2 from a turbine control valve testing frequency of once in seven days to at least once in 31 days.

Date of issuance: February 12, 1986.

Effective date: February 12, 1986.

Amendment No.: 3.

Facility Operating License No. NPF–35. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 20, 1985 (50 FR 47860).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 12, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina, 29730.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: May 28, 1985.

Brief description of amendment: This amendment allows for the revision of TS 3.1.2.9 to require cold shutdown instead of hot shutdown if borated water sources cannot be restored to operable status within the specified time.

Date of issuance: January 31, 1986.

Effective date: January 31, 1986.

Amendment No.: 86.

Facility Operating License No. DPR–72. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 6, 1985, 50 FR 46213.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-321, Edwin I. Hatch Nuclear Plant, Unit No. 1, Appling County, Georgia

Date of application for amendment: August 23, 1985.

Brief description of amendment: The amendment revises the TSs to provide operating and surveillance requirements for automatic depressurization system bypass timers that are to be added to Hatch Unit 1 to satisfy the requirments of NUREG-0737, Item II.K.3.18.

Date of issuance: January 29, 1985.

Effective date: January 29, 1985.

Amendment No.: 122.

Facility Operating License No. DPR-57. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 25, 1985 (50 FR 38915)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia Docket No. 50-366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of application for amendment: August 2, 1985.

Brief description of amendment: The amendment revises the TSs to correct and clarify the hydrogen recombiner heater testing requirements.

Date of issuance: February 4, 1986.

Effective date: February 4, 1986.

Amendment No.: 61.

Facility Operating License No. NPF-5. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 28, 1985 (50 FR 34941).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 4, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

GPU Nuclear Corporation, Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: November 7, 1985.

Brief description of amendment: This amendment authorizes a change to Section 3.7, Auxiliary Electric Power, of the Appendix A Technical Specifications (TS) to: (1) Decrease the minimum amount of diesel fuel in the standby diesel generator fuel tank required in TS 3.7.C from 14,500 gallons to 14,000 gallons and (2) revise the Bases for this TS.

Date of issuance: February 4, 1986.

Effective date: February 4, 1986.

Amendment No.: 99.

Provisional Operating License No. DPR-16. Amendment revised the Technical Specifications.

Date of initial notice in the **Federal Register:** December 18, 1985 (50 FR 51624).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated February 4, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Ocean County Library, 101 Washington, Street, Toms River, New Jersey 08753.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: December 9, 1985.

Brief description of amendment: This amendment modifies Section 4.4.1.2.5 of the TMI-1 TSs to state that local leak detection tests shall be performed at a frequency as required by 10 CFR 50, Appendix J. The amendment also states that if an exemption from the test frequency as specified by 10 CFR 50, Appendix J, is granted by the NRC, the frequency as specified by the exemption shall apply.

Date of issuance: Febraury 5, 1986.

Effective date: February 5, 1986.

Amendment No.: 113.

Facility Operating License No. DPR-50. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 30, 1985 (50 FR 53232) The Commission's related evaluation of the amendment is contained in a Safety Evaluation Dated February 5, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station Unit No. 2, Town of Waterford, Connecticut

Date of application for amendment: May 28, 1985 as supplemented October 1, 1985.

Brief description of amendment: This amendment changed the Technical Specifications to:

—Add fire detectors which have recently been installed and change certain action statements and surveillance requirements for fire detectors;

—Change the wording of the surveillance requirements for the diesel driven fire pump to reflect the as-built design;

—Add sprinkler systems which have recently been installed;

—Add fire hose stations which have recently been installed and change the operability requirements for fire hose stations in Containment; and

—Revise the technical specifications pertaining to penetrations of fire barriers.

Date of issuance: February 4, 1986.

Effective date: February 4, 1986.

Amendment No.: 110

Facility Operating License No. DPR-65. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 3, 1985 (50 FR 27506 at 27507) and supplemented December 30, 1985 (50 FR 52336 at 53233) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 4, 1986.

No significant hazards consideration comments received: No.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

Local Public Document Room Location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: March 30, 1977, as supplemented by letters dated May 15, 1980, September 3, 1982, November 5, 1982, January 26, 1983, and November 27, 1985.

Brief description of amendment: The amendment revised the surveillance technical specifications to ensure that

the reactor building leak rate testing (Types A, B, and C) is performed in accordance with and as specified by 10 CFR Part 50, Appendix J, Primary Coolant Leakage Testing for Water-Cooled Power Reactors. The November 27, 1985 letter from the applicant withdrew a portion of its request related to an increase in leakage rate and revised the other proposed specifications to reflect the currently approved leakage rate. This change does not affect the substance of that portion of the proposed amendment granted by the amendment.

Date of issuance: February 3, 1986.

Effective date: February 3, 1986.

Amendment No.: 95.

Facility Operating License No. DPR-40. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983 (48 FR 52804 at 52818). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 3, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th street, Omaha, Nebraska 68102.

Pennsylvania Power and Light Company Dockets Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: November 26, 1985, supplemented January 15, 1986.

Brief Description of amendments: These amendments revise the operability requirements for three separate effluent radiological monitoring systems: 1) Refueling Floor Wall Exhaust Duct Radiation Monitoring System, 2) Refueling Floor High Exhaust Duct Radiation Monitoring System, and 3) Railroad Access Exhaust Duct Radiation Monitoring System. Based on the licensee's proposal and the staff's review, it was determined that the monitors were not used as a basis to support any safety analysis in operational condition 1, 2, and 3. Therefore, the requirement for operability of the above-mentioned radiation monitoring systems during conditions 1, 2, and 3 has been deleted.

Date of issuance: February 14, 1986.

Effective date: Upon issuance.

Amendment Nos.: 54 and 22.

Facility Operating License Nos. NPF-14 and NPF-22: Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** January 15, 1986 (51 FR 1879). The Commission's related evaluation of the amendments is contained in a Safety Evaluation Dated February 15, 1986.

No comments on the proposed determination were received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Philadelphia Electric Company, Docket No. 50-352, Limerick Generating Station, Unit 1, Montgomery County, Pennsylvania

Date of Amendment Request: December 18, 1985.

Brief Description of Amendment: The amendment to Operating License NPF-39 revises the Limerick Generating Station Unit 1 Technical Specification to provide a one-time-only extension of 14 weeks on the surveillance testing interval for certain excess flow check valves in instrumentation lines. The purpose of the amendment is to allow a combination of the excess flow checkvalve testing, which must be performed with the reactor in a shutdown condition, with other surveillance testing and maintenance activities to take place in an outage beginning on or before May 26, 1986. The primary basis for the safety of the requested change is that inventory loss due to a rupture of instrumentation lines would be limited to small amounts, the lines can be manually isolated if required and that the probability of detecting a leaking excess flow checkvalve will not be significantly reduced by the one-time extension of the surveillance test interval of less than 20 percent.

Date of Issuance: February 6, 1986.

Effective Date: February 6, 1986.

Amendment No.: 1.

Facility Operating License No. NPF-39: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** December 26, 1985 (50 FR 52874).

Comments Received: No timely comments were received. The Commission's related evaluation of the amendment is contained in Safety Evaluation dated February 6, 1986.

No Significant Hazards considerations comments received: No public comments were received within the time provided by the **Federal Register** notice of consideration of this amendment request.

Local Public Document Room Location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: April 19, 1985.

Brief description of amendment: The amendment revises the Technical Specifications definition of Operational Mode (Section 1.4) and Operable-Operability (Section 1.6) to reduce ambiguity in the definition of the words "Mode" and "Operable".

The April 19, 1985 application also forwarded a request for an amendment to the structural integrity of ASME Class 1, 2, and 3 components section of the Technical Specifications (Section 3.4.10). By letter dated November 8, 1985, the licensee requested a withdrawal of this request. The staff concludes that, since the current Technical Specifications are more conservative than those proposed, the withdrawal is acceptable. However, the staff has requested the licensee to review Section 3.4.10 of their Technical Specifications and to propose revised Technical Specifications.

Finally, the April 19, 1985 application forwarded a request for an amendment to the surveillance requirements of the Control Room Emergency Ventilation System. The review of this request is being handled separately and will be the subject of a future notice.

Date of issuance: February 10, 1986.

Effective date: February 10, 1986.

Amendment No.: 109.

Facilities Operating License No. NPF-1: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 11, 1985 (50 FR 37089) The Commission's related evaluation of the amendment is contained in a Safety Evaluation date February 10, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: May 17, 1985, as supplemented August 9, 1985.

Brief description of amendment: The amendment revises the license condition related to the physical security plan to reference the latest revision to the plan.

Date of issuance: February 7, 1986.

Effective date: February 7, 1986.

Amendment No.: 63.

Facilities Operating License No. DPR-64: Amendment revised the License.

Date of initial notice in **Federal Register:** September 25, 1985 (50 FR 38921) revised November 20, 1985 (50 FR 47869).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 7, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Public Service Electric and Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: August 6, 1985.

Brief description of amendments: The amendments change the testing requirements regarding battery surveillance during certain plant shutdowns.

Date of issuance: January 29, 1986.

Effective date: January 29, 1986.

Amendment Nos.: 70 and 45.

Facility Operating Licenses Nos. DPR-70 and DPR-75: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 25, 1985 (50 FR 38921).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Public Service Electric and Gas Company, Docket No. 50-272, Salem Nuclear Generating Station, Unit 1, Salem County, New Jersey

Date of application for amendment: August 6, 1985.

Brief description of amendment: The amendment permits Unit No. 1 to operate at the 2% higher power level of 3411 Mwt permitted for Unit No. 2.

Date of issuance: February 6, 1986.

Effective date: February 6, 1986.

Amendment No.: 71.

Facility Operating License No. DPR-70: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 9, 1985 (50 FR 41256) and December 4, 1985 (50 FR 49791).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 6, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: October 22, 1985, modified December 23, 1985 and supplemented January 8, 1986.

Brief Description of amendment: The amendment changes the Technical Specifications to provide new limiting conditions of operation and surveillance requirements for the 48 inch purge system and the 8 inch mini-purge system.

Date of Issuance: February 15, 1986.

Effective Date: February 15, 1986.

Amendment No.: 13.

Facility Operating License No. DPR-18. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 15, 1986 (51 FR 1880). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 15, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a shorter public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By

March 28, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief)*: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Consumers Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: January 10, 1986, as supplemented by letter dated January 14, 1986.

Brief description of amendment: The amendment changed the technical specifications dealing with the inservice inspection program for mechanical shock suppressors (snubbers) such that the maximum drag force acceptance criterion (break away friction) is equal to 2% of the rated load of the mechanical snubber, instead of 1%.

Date of issuance: January 30, 1986.

Effective date: January 30, 1986.

Amendment No.: 93.

Provisional Operating License No. DPR–20. The amendment revised the Technical Specifications. Public comments requested as to proposed no significant hazards consideration: No. The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards considerations are contained in a Safety Evaluation dated January 30, 1986.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: January 23, 1986, as supplemented and clarified by letter dated January 24, 1986.

Brief description of amendment: The amendment revises the license to permit operation of the facility on a temporary basis during the remainder of Cycle 8 or until March 31, 1986, whichever occurs first, with certain hot fluid line penetrations not fully in conformance with original FSAR design criteria.

Date of issuance: January 28, 1986.

Effective date: January 28, 1986.

Amendment No.: 78.

Facility Operation License No. DPR–63. Amendment revised the license.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment and final no significant hazards considerations determination are contained in a Safety Evaluation dated January 28, 1986.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Northeast Nuclear Energy Company, Docket No. 50–432, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of Application for Admendment: January 15, 1986.

Brief Description of Amendment: Revises Technical Specification Table

3.3–9, Remote Shutdown Instrumentation, by deleting the transfer switches associated with Valves FWA*AOV–61A, 61B, 62A, and 62B (items 7, 8, 9, and 10 in the table). The change would resolve an administrative error made in the compilation of Table 3.3–9 by making the table reflective of the actual plant configuration.

Date of issuance: January 22, 1986.

Effective date: January 22, 1986.

Amendment No. 1.

Facility Operating License No. NPR–44: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazars consideration: No.

The Commission's related evaluation of the amendment and final determination of no significant hazards consideration are considered in a Safety Evluation dated January 22, 1986.

Attorney for Licensee: Gerald Garfield, Esq., Day, Berry and Howard, City Place, Hartford, Connecticut 06103–3499.

Local Public Document Room Location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Virginia Electric and Power Company, et al., Docket No. 50–339, North Anna Power Station, Unit No. 2, Louisa County, Virginia

Date of application for amendment: January 20, 1986.

Brief description of amendment: The amendment allowed suspension of further moderator temperature coefficient measurements once an equilibrium boron concentration of 20 ppm or less is reached for the current fuel cycle No. 4.

Date of issuance: February 12, 1986.

Effective date: January 21, 1986.

Amendment No. 61.

Facility Operating License No. NPR–7: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards considerations are contained in a Safety Evaluation dated February 12, 1986.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscript Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Bethesda, Maryland, this 20th day of February, 1986.

For The Nuclear Regulatory Commission.

Frank J. Miraglia,

Director, Division of PWR Licensing–B.

[FR Doc. 86–4030 Filed 2–25–86– 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Federal Civilian Employee and Contractor Travel Expenses Act of 1985; Study

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: The Office of Federal Procurement Policy (OFPP) is requesting comments and suggestions about the study on contractor relocation and transportation costs required by section 202, Pub. L. 99–234. Any comments on the study, including issues or options it should address, should be submitted to the Office of Federal Procurement Policy, 726 Jackson Place, NW., Washington, DC 20503.

Public Meeting

A public meeting will be held in Room 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, DC, on March 17, 1986, at 10 a.m. Persons or organizations wishing to present views, ideas, and suggestions about the study are encouraged to attend the meeting. Written statements will be accepted by OFPP, and persons or organizations wishing to make oral statements will be given 5 minutes each to present their views. Persons and organizations with similar views are encouraged to select a common spokesman for the presentation of their views. Persons wishing to attend and/or present statements at the public meeting should contact Teresa Hrabe, telephone number (202) 395–3501, prior to 3 p.m., March 14, 1986, in order to be cleared for admittance to the New Executive Office Building. Entrance to the building is on 17th Street, NW., between Pennsylvania Avenue and H Street.

Background

Section 202, Federal Civilian Employee and Contractor Travel Expenses Act of 1985, Pub. L. 99–234, requires that:

> The Adminstrator for Federal Procurement Policy, in consultation with the Secretary of Defense and the Administrator of General Services, shall undertake a study to determine whether limitations should be placed on payments by executive agencies to Government contractors for costs incurred by contractor employees for transportation and relocation. The Administrator for Federal Procurement Policy shall submit 180 days after the enactment of this Act a report thereon to the appropriate committees of the Congress.

DATE: Comments and suggestions in response to this **Federal Register** notice must be received in OFPP by close of business, April 1, 1986. Two copies of any statements to be presented at the public meeting should be received by March 14, 1986.

ADDRESS: Comments and statements should be submitted to the Office of Management and Budget, Office of Federal Procurement Policy, Room 9013, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Charles W. Clark, Deputy Associate Administrator for Policy Development, (202) 395–6803.

Dated: February 14, 1986.

David F. Baker,

Acting Administrator.

[FR Doc. 86–4080 Filed 2–25–86; 8:45 am]

BILLING CODE 3110–01–M

PEACE CORPS

Agency Information Collection Activities Under OMB Review

AGENCY: Peace Corps.

ACTION: Notice of submission of public use form review request to the Office of Management and Budget.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), the Peace Corps has submitted to the Office of Management and Budget, a request to approve the use of the Withdrawal Information Card through February 1, 1989. The card is completed voluntarily by those nominated for Peace Corps service and who withdraw their applications after that application reaches the Washington Placement Office and prior to invitation to an actual program. The card provides information concerning the reasons for withdrawal as well as suggestions as to how the Volunteer Delivery System could be improved. This information is necessary for Peace Corps to evaluate the effectiveness of the Volunteer Delivery System and to adjust it as necessary. The information provided will not/cannot be used to identify specific individuals who have filled out the card.

Information About the Form

Agency Address: Peace Corps, 806 Connecticut Avenue, NW., Washington, DC 20526
Title: Withdrawal Information Card
Type of Request: Approval of Use
Frequency of Collection: On occasion
General Description of Respondent: Individuals who were nominated to a Peace Corps program, but who withdrew their application prior to receipt of an invitation.
Estimated Number of Responses: 176 annually
Estimated Hours for Respondents to Furnish Information: Fifteen (15) minutes each
Respondents' Obligations to Reply: Voluntary

Comments: Comments on this form request should be directed to Francine Picoult, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

A copy of the form may be obtained from Phillip Seder, Office of Placement, Peace Corps, 806 Connecticut Avenue, NW., Room 906, Washington, DC 20526. Mr. Seder may be called at 202–632–6594.

This is not a request to which 44 U.S.C. 3504(h) applies. This notice is issued in Washington, DC on February 20, 1986.

Linda Gregory,

Associate Director for Mangement.

[FR Doc. 86–4127 Filed 2–25–86; 8:45 am]

BILLING CODE 6051-01-M

POSTAL RATE COMMISSION

[Order No. 669; Docket No. N86–1]

Request of the United States Postal Service for an Advisory Opinion on Change in Service, 1986, Collect on Delivery Service and Order Fixing Date for Intervention and Designating Officer of the Commission

Issued February 20, 1986.

Before Commissioners: Janet D. Steiger, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; Bonnie Guiton; Patti Birge Tyson.

On February 12, 1986, the United States Postal Service (Postal Service or Service) filed a Request for an Advisory Opinion that has been docketed as N86–1. The Request, accompanied by supporting testimony and one library reference, stems from a Postal Service determination that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis within the meaning of 39 U.S.C. 3661(b).

The Postal Service intends to implement certain changes in the regulations affecting COD service, which it believes are justified given the increasing use of COD service for fraudulent or deceptive purposes.

Under current regulations, COD packages must be paid for either in cash or by check made payable to the Postal Service. The Service then sends the mailer a postal money order for the COD charges. The changes in the regulations would allow payment by either cash or a check made payable to the mailer. The Service believes the new procedures will give the American consumer additional recourse if he/she is a victim of fraud.

The Service states that these changes regarding COD mail will be made through notice and comment rulemaking "not sooner than 90 days after the filing of the Postal Service's request in this proceeding." USPS–T–2 at 3.

Intervention. Persons desiring to participate as a party should file a notice of intervention with the Secretary of the Commission on or before March 5, 1986, in accordance with section 20 of the rules of practice (39 CFR 3001.20). Notices of intervention shall affirmatively state whether the person filing requests a hearing, or in lieu thereof, a conference; whether such person intends to participate actively in a hearing; and shall set forth the nature of such person's interest in the issues, to the extent such interest is known. Persons seeking limited participation but not party status may, on or before March 5, 1986, file a written notice of intervention as a limited participator, pursuant to § 20a of the rules of practice (39 CFR 3001.20b). In addition, persons wishing to express their views informally, but not to become a party or limited participator, may file comments pursuant to § 20b of the rules of practice (39 CFR 3001.20b).

Possible collateral matter. Preliminary review indicates that if the proposed change is ultimately implemented, the existing language of Domestic Mail Classification Schedule § 6.021 might be read as making the Postal Service an ensurer of payment on checks tendered by addressees. This is not the intent of the filing. Indeed, Postal Service witness Dillman states that under the change, the Postal Service will no longer ensure payment when payment is made by check. *See* USPS–T–2, at 7. Participants should therefore be prepared to address the need for changes to the DMCS.

Officer of the Commission. Pursuant to 39 U.S.C. 3661(c) the officer of the Commission charged with representing the interests of the general public in this docket is Stephen A. Gold, Director, Office of the Consumer Advocate. During this proceeding, he will direct the activities of the Commission personnel assigned to assist him and neither he nor such personnel will participate in nor advise as to any Commission decision (39 CFR 3001.8). The Officer of the Commission shall supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case.

The Officer of the Commission shall be separately served with three copies of all filings in this case, in addition to and simultaneously with service on the Commission of the 25 copies required by section 10(c) of the rules of practice [39 CFR 3001.10(c)].

The Commission orders:

(A) Notices of Intervention as full or limited participators in this docket shall be sent to Charles L. Clapp, Secretary, Postal Rate Commission, 1333 H Street, NW., suite 300, Washington, DC 20268–0001 on or before March 6, 1986.

(B) Stephen A. Gold is designated officer of the Commission to represent the interests of the general public in this proceeding. Service of documents on the Commission shall not constitute service on the Officer of the Commission who shall separately be served three copies of all documents.

(C) The Secretary shall cause this Notice and Order to be published in the **Federal Register**.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 86–4114 Filed 2–25–86; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–7902]

Issuer Delisting; Application To Withdraw From Listing and Registration; MacMillan Bloedel Ltd.; Common Stock, No Par Value

February 20, 1986.

The above name issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the New York Stock Exchange, Inc.

The reasons alleged in the application for withdrawing this security from

listing and registration include the following:

The Board of Directors of the issuer decided to withdraw its shares from listing on the New York Stock Exchange because in the Board's judgment continuation of the listing is not justified in light of the costs and other potential burdens involved.

Any interested person may, on or before March 13, 1986, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-4158 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22914; File No. SR-Amex-86-3]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange Relating to Amendment of Article II, Section 1(e) of the Amex Constitution Regarding Eligibility of Former Public Governors To Serve on the Board

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 7, 1986, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Article II, section 1(e) of the Exchange Constitution to allow public governors to be eligible for reelection to the Board after an interval of one year from the end of their term.[1] The text of the proposed rule change is available at the Exchange, care of the office of the Secretary, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Article II, Section 1(e) of the Exchange Constitution provides that both industry and public governors must retire from the Board after two consecutive terms and thereafter remain ineligible for reelection for a minimum of two years. Prior to 1972, only industry governors, i.e., members and representatives of member firms, were required to leave the Board for a two-year period before again being eligible for reelection. The reason for this two-year hiatus was to insure that one or more members would not serve indefinitely on the Board and thereby dominate the governing body of the Exchange. Public governors, however, were not limited as to the number of terms they were permitted to serve and, indeed, were appointed by the Exchange President who was also chief executive and a member of the Board. With the reorganization of the Board in 1972, all governors were elected by the membership and the two-year reelection provision was applied to both industry and public governors, without taking into account that the issue of Board domination was unlikely to apply to public governors.

The Exchange is proposing to amend Article II, section 1(e) of the Constitution to allow public governors to be eligible for reelection after a one-year interval. The two-year reelection restriction would be retained as it pertains to industry governors. In considering issues critical to its future growth, it is vital that the Exchange be in a position to use the talents of people who have had significant experience with the Board, and who have built solid working relationships with other governors and Exchange members. Many public governors have immersed themselves in committee work, and their backgrounds in government, industry, finance, and management have conferred enormous benefits on the Exchange. The Exchange needs people like that on its Board, and would like its Nominating Committee to be free to select from this pool of experienced and talented former public governors without having to await the passage of two years from the end of their prior Board service.

In addition, the Exchange is proposing to delete transitional language which permitted the orderly implementation of amendments which reorganized the Board in 1979, increasing its size from 21 to 25 governors.

(2) Basis

The proposed amendment is consistent with Section 6(b) in general and furthers the objectives of Section 6(b)(3) in particular in that it is intended to facilitate the nomination and election of qualified individuals to serve as public governors of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will create no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing of Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

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[1] On February 18, 1986, the American Stock Exchange filed Amendment No. 1 to the proposed rule change indicating that the rule change was approved by the Exchange membership at a special membership meeting held on February 14, 1986.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted March 19, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 18, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-4101 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22910; SR-CBOE-48]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

The Chicago Board Options Exchange, Incorporated ("CBOE") submitted on December 2, 1985, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 12b-4 thereunder to amend Exchange Rule 19.2 to extend the time limit for filing an application for review of an action of the Exchange before the Exchange's Appeals Committee.

Notice of the proposed rule change together with its terms of substance was given by the issuance of a Commission release (Securities Exchange Act Release No. 22765, January 3, 1986) and by publication in the **Federal Register** (51 FR 1460, January 13, 1986). No comments were received with respect to the proposed rule filing.

The rule change will give any person aggrieved by an action of the Exchange, who desires to have an opportunity to be heard with respect to such action, thirty days from the date of such action to file a written application for a hearing with the Secretary of the Exchange (pursuant to Rule 19.2). This effectively doubles the previous time limit of fifteen days.

The rule change requires strict observance of this extended time limit. Applications not filed within the thirty day period will not be considered by the Appeals Committee unless an applicant files an application within such extension of time as allowed by the Chairman of the Appeals Committee. In order to obtain an extension of time within which to file an appeal, an applicant must file an application for an extension with the Secretary of the Exchange within the thirty day period running from the date of the Exchange action which has aggrieved the applicant. Applications for extensions will be ruled upon by the Chairman of the Appeals Committee, and his ruling will be given in writing. Rulings on applications for extensions are not subject to appeal under Chapter XIX of the Rules.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 14, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-4102 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22927; File No. SR-NSCC-86-03]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by National Securities Clearing Corp. Modifying Its Fee Structure for Automated Communication Access

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 7, 1986, the National Securities Clearing Corporation ("NSCC") filed with the Commission the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change.

The proposed rule change modifies NSCC's fee structure to provide that participants who communicate with NSCC in an automated fashion via CPU-to-CPU will now be responsible for their communications costs. To encourage the use of such transmission vehicle during the developmental stage, NSCC had previously absorbed these costs. Included within the cost of each service is the cost of producing one hard copy output of each relevant report. Participants opting to receive output in machine readable form will be credited for this copy, while participants who request to be provided with more than one hard copy output will be charged accordingly.

The proposal also would clarify that NSCC's discount policy will not apply to transaction fees for the Fund/Serv System [1] until the initial start-up and development costs are amortized.

In its filing, NSCC states that the proposed rule change is consistent with section 17A(b)(3)(D) of the Act because it provides for the equitable allocation of reasonable dues, fees and other charges.

The foregoing rule has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such change if it appears to the Commisson that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section,

[1] NSCC's Fund/Serv System was the subject of a previous filing, SR-NSCC-85-09.

450 Fifth Street, NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to the file number in the caption above and should be submitted by March 19, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 19, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-4103 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22913; SR-NYSE-86-5]

Self-Regulatory Organizations; New York Stock Exchange, Inc., Order Approving Proposed Rule Change on an Accelerated Basis

On January 22, 1986, the New York Stock Exchange, Inc., ("NYSE" or the "Exchange") filed with the Commission a proposed rule change (File No. SR-NYSE-86-5) that revises and expands the interpretations under NYSE Rule 412. The Commission is publishing this Order to request public comment on the proposal and, for reasons described below, is approving the proposal on an accelerated basis.

Background

The Commission on November 26, 1985, approved new NYSE Rule 412 and related explanatory and exemptive interpretations.[1] That Rule and related interpretations generally provide that when a customer gives written notice to his carrying firm to transfer the customer's account to a designated receiving firm, both firms must expedite the transfer. The Rule and interpretations describe in detail how customer account transfers are effected.

NYSE Rule 412 and its interpretations for the first time inject a comprehensive regulatory discipline in the customer account transfer process. To ensure that NYSE members have an efficient means to process customer account transfers, National Securities Clearing Corporation ("NSCC") has designed its Automated Customer Account Transfer System ("ACATS"). ACATS provides NYSE/NSCC member firms a centralized, uniform, automated mechanism to enable efficient customer account transfers.[2] ACATS communicates customer account transfer information among carrying and receiving firms, helps to monitor firms' compliance with NYSE Rule 412 and facilitates actual transfer of customer assets within required time frames by book-entry movement or other appropriate methods.

The NYSE initially implemented Rule 412 on a voluntary, limited pilot basis. Since November 1985, a NYSE committee of member firm representatives has monitored the pilot phase of ACATS to help the Exchange fine-tune Rule 412 and ACATS. The Exchange also conducted a series of programs across the country to educate member firms about the new account transfer requirements and to gather information from member firms about the ACATS process. The information gathered in these efforts is reflected in this proposed rule change.

At this time, the NYSE plans to make fully effective the Rule and related interpretations on February 24, 1986. On that date, NYSE members will be required to comply with NYSE Rule 412 and to use NSCC's ACATS to effect customer account transfers. Implementation of the program, however, will continue to be phased in over the next several months. The Exchange will limit each carrying broker's daily total number of customer account transfer requests to be processed through ACATS and each receiving broker's total daily number of requests received from any single carrying broker.[3] At reasonable time periods thereafter, the Exchange will increase the maximum number of requests to be processed within ACATS. The NYSE indicated that Rule 412 should be fully implemented 120 days after the February 24, 1986 implementation date, *i.e.*, by June 17, 1986. The Exchange believes that such a stepped approach is necessary to accommodate NYSE members' needs to adjust their internal automated systems to the Rule's requirements. The NYSE notes that while 100 member firms have participated in the limited ACATS pilot program, about 150 additional member firms have not had any real operational experience with Rule 412 requirements or ACATS.

Description of the Proposed Rule Change

The proposal includes several new interpretations to Rule 412 and refines a number of existing interpretations.[4] First, the proposal requires NYSE-member firms to develop written procedures for customer account transfers that ensure their implementation of, and compliance with, Rule 412's requirements.

Second, upon receipt of a customer account transfer instruction from a customer, a carrying broker must "freeze" all activities in that account, *e.g.*, cancel all open orders and not take any new orders.

Third, a receiving broker should reject a carrying broker's delivery of a security against a fail to receive that is designated as a "safeguarding position" when the delivered security does not qualify for safeguarding under the interpretations. (Safeguarding positions are securities registered in customer name, even if they are unendorsed or have attached stock/bond powers).

Fourth, "nontransferable" [5] customer assets must be liquidated, retained by the carrying broker for the customer, or shipped, physically and directly, in the customer's name to the customer, in accordance with the customer's instructions. The carrying broker must contact the customer in writing prior to, or at the time of, validation of the transfer instruction to request such further specific instructions regarding the disposition of nontransferable assets. If the customer authorizes liquidation or shipment, the carrying broker will be required either to distribute the resulting money balance to the customer or to initiate the shipment, as appropriate, within five business days after receipt of the customer's instructions concerning asset disposition.

Fifth, a customer must authorize the custodian/trustee for a retirement plan account (a) to deduct outstanding fees due the custodian/trustee from the

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[1] *See* File No. SR-NYSE-85-17, approved in Securities Exchange Act Release No. 22662 (November 26, 1985), 50 FR 49643 (December 3, 1985).

[2] For a complete description of ACATS, *see* Securities Exchange Act Release No. 22481 (September 30, 1985), 50 FR 41274 (October 8, 1985) in which the Commission approved File No. SR-NSCC-85-7.

[3] According to the Exchange, the total daily customer transfer activity initially will be limited to fifteen requests a day, with no more than three requests to any one receiving firm.

[4] Several technical, nonsubstantive, and clarifying revisions of the interpretations also are proposed, in particular regarding the type of information that must be included for customer assets in an account to be transferred and the captioning of fail contracts established under NYSE Rule 412.

[5] Interpretation (b)(1)/04 defines a "nontransferable asset" to be "incapable of [transfer] from the carrying organization to the receiving organization because it is [:] 1. an asset that is a proprietary product of the [carrying broker] or 2. an asset that is a product of a third party (*e.g.*, a mutual fund or money market fund) with which the receiving organization does not maintain a relationship or management neccessary to receive and carry the asset for the customer account."

credit balance in the account; or (b) to liquidate assets in the account to the extent necessary to satisfy those fees if the account does not contain a credit balance or if the credit balance is insufficient to satisfy those outstanding fees. If liquidation is not practicable, the fees would need to be transferred to, and accepted by, the receiving broker as a debit item.

Sixth, a receiving broker must deem receipt of a duly-executed mutual fund re-registration form as adequate delivery for purposes of transferring mutual fund shares.

Seventh, NYSE-member firms could agree to close-out fail contracts established under Rule 412 by delivering securities that are substantially comparable to those owed.

Last, fail-to-deliver contracts will not need to be established for nontransferable assets and assets in transfer to the customer, *i.e.*, in possession of a transfer agent at the time of the carrying organization's receipt of a customer account transfer instruction carrying organization for shipment, physically and directly, to the customer.

The NYSE's Rationale

In its filing, the NYSE represented that the proposed rule change is consistent with the requirements of the Act in that it is designed to protect investors and the public interest by requiring expeditious customer account transfers, and is intended to promote cooperation and coordination with persons engaged in clearing, settling, and processing information with respect to transactions in securities, in accordance with section 6(b)(5) of the Act. In addition, the Exchange states that the proposed rule change is consistent with Congress's finding in section 17A(a)(1)(A) of the Act, that "[t]he prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors."

The NYSE's Request for Accelerated Effectiveness

The Exchange believes good cause exists for accelerating effectiveness of the proposed rule change under section 19(b)(2) of the Act. In support of its request, the Exchange states that expedited action is appropriate to meet the industry target date of February 24, 1986. To ensure that, as of that date, NYSE member firms have an adequate procedural framework for expeditious transfers, the Exchange needs some lead time to publish the revisions, and member organizations require sufficient lead time to implement effective programs.

Discussion

For the reasons below, the Commission agrees with the NYSE that its proposed interpretations are consistent with the Act. Therefore, the Commission is approving the proposal.

The proposed interpretations represent a useful fine-tuning, based on experience during the pilot period. These fine-tunings should help ensure successful implementation of a permanent, automated, customer account transfer process. These modifications are the result of close NYSE/user community communications during the program's pilot phase and reflect a careful and responsive approach by the NYSE.[6]

The proposal enhances NYSE Rule 412 operations in several respects. First, the interpretations refine how the Rule will apply to certain investment products. The interpretations describe in detail how carrying firms are to handle "nontransferable assets." [7] They also address how to identify customer-owned municipal securities that have not been assigned CUSIP numbers.[8] The interpretations additionally clarify how member firms must treat customer assets that: (1) Have been placed "in transfer"; [9] (2) are "safekeeping positions"; or (3) are in retirement plan securities accounts for which custodian/trustee fees remain outstanding. In addition, regarding mutual fund shares, the interpretations provide that member firms must accept as good delivery under Rule 412 a duly-executed mutual fund re-registration form regarding mutual fund shares.

Second, the interpretations provide additional guidelines that should facilitate broker compliance and customer protection. For example, the interpretations require a carrying broker to freeze a customer's account by cancelling open orders and declining acceptance of new orders upon receipt of the customer's account transfer request. Moreover, to ensure the integrity of customer "safekeeping positions" maintained as carrying brokers, a new interpretation provides that a receiving broker should reject securities deliveries against a safekeeping position when delivered securities cannot qualify as a "safekeeping position."

Third, the new interpretations offer NYSE member firms needed flexibility. For example, receiving brokers generally have a limited ability to reject account transfers [10] and carrying brokers cannot reject fail contracts in connection with customer account assets that have not been delivered to the receiving broker.[11] New interpretation (c)/02, however, enables them to agree to close-out Rule 412 fail contracts through delivery of securities that are "substantially identical to those owed."

Fourth, the proposal should enhance NYSE's and its member firms' ability to oversee member compliance with Rule 412. New Interpretation (a)/02 requires member firms to develop written procedures for Rule 412 implementation and compliance. This requirement not only should help prepare firms for the February 24, 1986 effective date, it also should help ensure continuing compliance with the Rule. Those written procedures should provide each firm with a blueprint for rule compliance and a means to ensure that firm personnel understand rule requirements and processing mechanics. For NYSE and Commission inspection staffs, those written procedures should facilitate oversight review.

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[6] The Commission is assured that the NYSE will continue its careful and responsive approach while resolving the few remaining processing questions and any new questions uncovered during the phase-in period. For example, the NYSE, NSCC and Options Clearing Corporation must resolve how to transfer options positions in customer accounts. The Exchange has informed the Commission that until that time, customer accounts that contain options positions will be temporarily exempt from Rule 412's requirements. The Commission hopes this situation is resolved quickly.

[7] Under the Rule and existing interpretations, "bankrupt issues" are treated as "delayed delivery asset." Valued fails to deliver and receive need not be established in the customer's account, but "zero value" fail instructions must be generated. A new interpretation further requires those fail instrucitons to be reflected on member books and records, unless the bankrupt issue is "non-deliverable," and it defines "non-deliverable" in this context to mean that the carrying broker does not have enough shares in its in-house and depository accounts to effect delivery and no transfer agent is servicing the issue. *See* note 4 *supra* for a definition of a "non-deliverable asset."

[8] To determine the minimum elements of municipal securities description, NYSE representatives consulted with representatives of the Municipal Securities Rulemaking Board.

[9] An "in transfer" asset is in the possession of a transfer agent at the time the carrying broker receives a customer transfer request.

[10] Under amended interpretation (b)(2)/08, a receiving broker can reject an account transfer only if the account does not comply with the firm's credit policies or meet minimum assets requirements.

[11] *See* Interpretation (b)(3)/01.

Commission Approval on an Accelerated Basis

The Commission finds that good cause exists to approve the proposal prior to the thirtieth day after publication of this release for comment in the **Federal Register** and therefore is granting NYSE's request to approve the proposal on an accelerated basis. We agree with the NYSE that accelerated approval of the proposal is appropriate. Accelerated effectiveness should ensure that when NYSE Rule 412 becomes fully effective on the industry target date of February 24, 1986, NYSE member firms will be able to look to effective Rule 412 interpretations for guidance. Further, by granting accelerated effectiveness, the Exchange should have sufficient time to notify its members about the most recent changes, and members, in turn, should be able to adjust their internal procedures accordingly before the Rule's full inplementation date. Finally, the proposal is the product of NYSE's active effort to solicit member comments and recommendations. Accordingly, the Commission finds that it is in the public interest to accelerate the proposal's effectiveness and that no purpose would be served were the Commission to delay the effective date of the proposal beyond the industry target date, *i.e.*, until the thirtieth day after publication of this release in the **Federal Register.**

Request for Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will be available for inspection and copying at the NYSE's principal office. All submissions should refer to the file number in the caption above and should be submitted by March 19, 1986.

Conclusion

For the reasons discussed above, the Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, section 6 and 17A.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: February 14, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-4104 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22908; SR-NYSE-85-46]

Self-Regulatory Organizations; New York Stock Exchange, Inc., Order Approving Proposed Rule Change

February 14, 1986.

The New York Stock Exchange, Inc. ("NYSE") submitted on November 29, 1985, copies of a proposed rules change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4, to modify rates of reimbursement specified in Supplementary Material to Rules 451 and 465 for the forwarding of proxy and annual report mailings to beneficial shareowners. Specifically the rules changes propose to: (1) Increase, effective July 1, 1986, the approved reasonable rate of the reimbursement for initial mailings of proxy material by $.10 per set (from $.50 to $.60 for those meetings which do not include a proposal which requires beneficial owner instructions and from $.60 to $.70 for those meetings which include a proposal requiring beneficial owner instructions); (2) increase, effective January 1, 1986, the approved reasonable rate of reimbursement for follow-up mailings of proxy material by $.10 per set (from $.50 to $.60 for a selective mailing); (3) increase, effective January 1, 1986, the approved reasonable rate of reimbursement for separately mailed copies of annual reports by $.10 per report (from $.10 to $.20); and (4) establish, effective January 1, 1986, as a reasonable rate of reimbursement, a minimum charge of $3.00 per issuer for mailing annual reports.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 227401, December 23, 1985) and by publication in the **Federal Register** (50 FR 53413, December 31, 1985). No written comments were received by the Commission on the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and the regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rules change be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-4105 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22912; File No. SR-NYSE-86-7]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc., Relating to Options Joint Accounts

February 14, 1986.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 5, 1986, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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[1] The Commission recently approved another rule change by the NYSE which amended the Supplementary Material to NYSE's Rule 451 (Proxies) and Rule 465 (Company Reports to Stockholders) concerning approved charges by member organizations to issuers in connection with the requirements of Rules 14b-1(c) and 17a-3(a)(9)(ii) under the Act. These changes authorized: (1) the second, and final, surcharge that may be charged issuers in connection with proxy solicitations, which is intended to complete recoupment of start-up costs incurred in complying with the shareholder notification requirements of Rules 14b-1(c) and 17a-3(a)(9)(ii); and (2) a charge intended to ensure that NYSE member organizations received a fair and reasonable rate of reimbursement for costs incurred in providing beneficial ownership information to requesting issuers pursuant to Rule 14b-1(c). Securities Exchange Act Release No. 22889 (February 11, 1986) (File No. SR-NYSE-85-43).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to revise its rules governing joint accounts on the options floor, as follows: (Brackets indicate language deleted; italics indicate language added.)

Joint Accounts

Rule 749.

(a) No member or member organization who is approved by the Exchange to initiate transactions on the Floor shall, directly or indirectly, hold any interest or participate in any joint account for buying or selling any option contract or related security unless (1) each participant in such joint account is registered as a broker or a dealer under the Securities Exchange Act of 1934, (2) each participant in such joint account is registered as a Competitive Options Trader pursuant to Rule 758(a) and (3) such joint account applies to the Exchange and is approved for trading. The application shall contain the following information:

(1) name of the joint account;

(2) names of all participants;

(3) the participants's respective interests in the initial capital, profits and losses of the joint account;

(4) name of the member organization carrying and clearing the joint account and the accounts of the participants;

(5) copies of any written agreements or instruments relating to the joint account.

(b) The option trading accounts of all participants in the joint account and the joint account itself must be carried by the same clearing member. The joint account must comply with the provisions of Rule 758 (a)(ii)(A) or (B). The provisions of Rule 758 (a)(ii) regarding revocation of a clearing member's guarantee shall apply to joint accounts.

(c) No joint account may have more than three participants nor may a single participant be associated with more than two joint accounts.

(d) Participants in the joint account must keep current all information regarding the joint account filed with the Exchange. Each joint account must keep its own books and records, separate from the books and records of its participants. Each joint account must provide an account statement to the Exchange's Market Surveillance Division on a monthly basis, in a format acceptable to the Exchange.

(e) No participant in a joint account shall effect a transaction, either for his own account or for the joint account, with another member acting on behalf of the joint account.

(f) Participants in the joint account may not concurrently represent orders for the joint account in the same option series.

(g) Joint accounts are not permitted to enter opening transactions from off the floor for option contracts listed on the Exchange. Positions in the joint account may be closed from off the floor.

(h) Orders for options contracts, futures contracts and securities that are not listed on the Exchange or traded on the New York Futures Exchange Inc. may be entered for the joint account only if the positions created by such orders are a bona fide hedge with positions in option contracts listed on the Exchange that are held in the account. This restriction shall not apply to orders entered for securities underlying Exchange option contracts.

(i) For purposes of determining compliance with Rules 704 (Position Limits) and 705 (Exercise Limits) by the joint account and each participant in the joint account, the Exchange shall compute the positions or exercises attributable to each participant and to the joint account by aggregating all the positions or exercises of the joint account with all the positions or exercises which any participant controls.

(j) Each participant in the joint account and each member organization associated with a participant is jointly and severally responsible for assuring that the account complies with all applicable provisions of the Exchange's Constitution and Rules.

. . . Supplementary Material:

.10 Participants in joint accounts should note that the requirements imposed on Competitive Options Traders by the provisions of Rule 758, in particular, paragraphs (b) and (c) and the supplementary material to Rule 758, apply to trading for the joint account. However, the joint account need not meet the assignment and trading volume requirements of Rule 758, Supplementary Material .60 and .65.

.20 Should the Exchange suspend the registration of a Competitive Options Trader pursuant to Rule 758(d), such Competitive Options Trader will not be allowed to enter any orders on behalf of the joint account.

The Exchange will also delete references to Rules 93 and 94 from Rule 750(b).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of the basis for the proposed rule change and discussed any comments it received on the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The Exchange is modifying its Rules governing joint accounts as applied to the Options Floor. Currently, Rules 93 and 94, through the incorporation provisions of Rule 750(b), govern joint accounts. The proposed rule change replaces Rules 93 and 94 as applicable to options with a new Rule 749 which is tailored solely for joint accounts operating on the Options Floor. The Exchange believes the proposed rule change will benefit members on the Options Floor by providing a clearer statement of their obligations with respect to joint accounts.

The provisions of Rule 749(a) closely parallel the requirements of Rule 93(a) requiring the joint account to provide certain information to the Exchange and receive approval for the joint account prior to commencing trading. Rule 749(a) requires each participant in the joint account to be registered as a broker or dealer under the Securities Exchange Act of 1934 (the "Act") and a Competitive Options Trader ("COT") under Rule 758(a).

Since the formation of joint accounts is only for proprietary trading on the Options Floor, it serves the interest of a fair and orderly market to have all participants in a joint account meet the affirmative and negative obligations and other requirements imposed on COTs. Supplemenary Material .10 and .20 to Rule 749 also remind members that their obligations as COTs extends to trading in and for the joint account.

Paragraph (b) of rule 749 requires that the joint account be carried by the same clearing member as the accounts of all the participants. Further, each joint account must either have a letter of

gurantee from such clearing member, or if the COT is self-clearing, meet all applicable requirements of The Options Clearing Corporation. The provisions of Rule 759 regarding revocation of the letter of guarantee also apply to joint accounts. These requirements protect the marketplace by providing financial guarantees for the account.

Rule 749(c) limits the number of participants in a joint account to three and prohibits a COT from participating in more than two joint accounts. These restrictions will prevent proliferation of joint accounts. Members desiring to pool capital and other resources remain free to form partnerships or corporations to do so.

Rule 749(d) requires the joint account to maintain books and records separate from those of its participants and to keep all information on file with the Exchange updated. The joint account is also required to submit monthly account statements to the Exchange.

Rule 749(e) prohibits participants in the joint account from trading with the joint account, preventing any pre-arranged or wash trading using the joint account.

Rule 749(f) prevents the participants from using the joint account to gain an unfair priority over other members in the crowd, through the representation of the same order for two accounts in which the participant holds an interest.

Paragraph (g) prohibits joint accounts from establishing opening positions from off the Options Floor; positions already established while on the Floor may be closed through orders entered from off the Floor.

Rule 749(h) restricts orders and positions in the joint account to only (1) those options and futures traded on the Exchange or the New York Futures Exchange, Inc., (2) options and futures traded on other exchanges if the resulting positions is a bona fide hedge with Exchange options or positions, and (3) securities underlying Exchange option contracts. These restrictions will allow the joint account to adequately hedge the risk of its positions while not encouraging trading in instruments not regulated by the Exchange or its subsidiaries.

Rule 749(i) aggregates the option positions and exercises of the joint account and its participants. To illustrate the effect of this provision, assume a limit of 8,000 contracts on the same side of the market for XYZ options and two participants in the joint account, A and B. If A holds 2,000 XYZ option contracts in a regular COT account, and B the same, then the joint account could hold a maximum of 4,000 XYZ options contracts.

Paragraph (j) provides that each participant in the joint account is fully responsible for any activities conducted by and on behalf of the joint account.

The statutory basis of the proposed change is section 6(b)(5) of the Act, in particular, its requirements that the rules of a national securities exchange prevent fraudulent and manipulative practices, promote just and equitable principles of trade, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 19, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-4106 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22909; Amdt. No. 1 to File No. SR-NYSE-83-13]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc. Relating to Fidelity Insurance Requirements

February 14, 1986.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 10, 1986, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the amendment is to clarify certain provisions of the proposed amendments to Rule 319. In addition, the amendment responds to questions raised by commentators and the Commission staff on certain aspects of the original filing.

The specific amendments to Rule 319 as filed with SR-NYSE-83-13 and a discussion of these changes follows: [1]

- *Rule 319(d)*—elimination of the word "unassociated".
- *Rule 319(d)(ii)*—Reinstatement of a requirement for introducing members and member organizations to carry securities forgery coverage. This provision was originally planned to be rescinded since an introducing firm would not, under normal circumstances, perform the securities handling functions which would give rise to claims under this provision. However, there may be instances where coverage for securities forgery could be required if

[1] The proposed rule change was noticed in a Commission release (Securities Exchange Act Release No. 19721, May 2, 1983), and its terms of substance were published in the **Federal Register** (48 FR 20837, May 9, 1983).

an introducing broker acts even in the capacity of forwarding securities to its clearing organization. Thus, it is believed that such coverage should be retained by introducers.

• *Rule 319(d)(iv)*—Removal of this paragraph relating to the use of the Disclosed Account Rider by introducing members and member organizations. This provision was originally proposed in order to provide an alternative to acquiring coverage directly by introducers through use of a Disclosed Accounts Rider which would make the introducers employees agents of the carrying organization and provide coverage under the carrying organization's bond. However, the insurance industry has indicated that such rider was never intended for or appropriate for such use.

• *Rule 319(e)(ii)*—Removal of the alternate method of calculating required insurance for carrying member organizations. The amendments to Rule 319 as originally filed would permit carrying organizations to calculate the approximate value of securities under their possession and control by use of figures submitted on Part II of the FOCUS report.[2] This calculation would then serve as the basis for figuring the required amount of fidelity insurance as outlined in paragraph (e)(i) of the rule. This calculation was thought to provide a good approximation of securities values at depositories which typically hold the vast majority of a carrying member organization's securities. (The substitute method projected applying a multiplier of six to a FOCUS report item which covered the value of customers' fully and partly secured debit balances.) Subsequent review of this alternative, however, has shown that this relationship can vary by more than what can be considered a normally acceptable margin for reliability.

The Exchange believes that its account carrying member organizations are able to provide a reasonably accurate approximation of the securities and money values under their possession and control through their own in-house computer systems, service bureau records and depository records or some combination thereof. The Exchange notes that it never intended for this figure to be exact, but to serve the purpose of falling into a range of values in order to determine the level of fidelity insurance required. (See Rule 319(e)(i) for these ranges and requirements.) The Exchange will work with its member organizations to establish these values in any instance where a claim of inability to calculate an insurance requirement is made.

• *Rule 319.10*—A provision which will require recalculation of a firm's insurance requirement on an annual or "for cause" basis is proposed to be added to the rule. This provision is meant to address situations where a member organization's business may have changed significantly and an increased or decreased level of insurance is forecast. It will require member organizations to notify the Exchange in such instances. The Exchange will review the circumstances surrounding the projected change in required insurance.

• *Rule 319.13*—Three minor wording changes are proposed in this section of the rule. One will clarify that fidelity insurance coverage will be required only for those commodities broker/dealer affiliates or subsidiaries whose obligations or liabilities are guaranteed by the member organization. Another change will conform a section of the rule dealing with coverage for designated messenger services to language used within the insurance bond forms. The third is a change regarding when coverage for associated broker/dealers will be required from "automatic" to "prompt".

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed amendment to the filing is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 (The "Act") in that Rule 319 will protect investors and the public interest by insuring that members and member organizations comply with certain prescribed minimum fidelity insurance standards. The proposed amendment is also consistent with section 6(c)(3)(A) of the Act which permits a national securities exchange to deny or condition the membership of a broker or dealer that does not meet such standards of financial responsibility as are prescribed by the rules of the Exchange.

All other items required by Form 19b–4 remain as stated in SR–NYSE–83–13.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 19, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–4107 Filed 2–25–86; 8:45 am]

BILLING CODE 8010–01–M

[2] Form X–17A–5.

[Release No. 34–22911; File No. SR–PSE–86–01]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 14, 1986, The Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") proposes to amend Commentary .01 to Rule VI, Section 55, "Reporting Duties" of the Rules of the Board of Governors, to state specifically that an account origin code is required on all cards or tickets for agency orders. The Exchange also intends to amend .02 of said Commentary to specify the proper account origin codes which are as follows: *"C" for non-broker-dealer customer accounts; "F" for firm proprietary accounts; "M" for member Market Maker accounts; and "B" for firm orders of non-member broker-dealer accounts, stock specialist accounts, or customer account trades of the broker-dealer or non-member broker-dealer.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule change

The proposed rule change will ensure an effective audit trail and compliance procedure in light of the recent Securities and Exchange Commission Release No. 21710 which allows specialists to use listed options. In addition, it will also facilitate Exchange Rule VI, section 43, requiring that orders contain the account designation for which such orders are to be executed.

Furthermore, this proposed rule change is designed to protect the integrity that the Book must maintain in receiving orders from the members as defined in Section 66 of Exchange Rule VI. Under section 66, only public customer orders (origin code "C") may be placed on the Book. This designation will ensure that that limitation will be enforced.

Section 63 of Exchange Rule VI, allows for a facilitation of a customer order by a firm proprietary account (origin code "F".) This proposed rule change will ensure that the customer order and firm proprietary account will be disclosed in a facilitation transaction. In addition, under Section 49 of Exchange Rule VI, customer market orders are entitled to priority over limit orders at the same opening price on the Book. Therefore, to facilitate this Rule, the origin code "F", as proposed will be utilized.

Finally, Options Floor Procedure Advice ("OFPA") B-6, states that the Exchange believes that the special obligation and role of the Market Maker warrant that the crowd be fully aware of the Market Makers' trading activity. Accordingly, OFPA B-6 lists special procedures as to how a ticket should be marked, indicating that it is a Market Maker's order (origin code "M"). This proposed rule change will ensure that this procedure will be utilized, and will aid in contributing to the maintenance of a fair and orderly market.

The proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934, in that it will remove impediments to the creation of a free and open market.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Securities Exchange Act of 1934 to facilitate the maintenance of a fair and orderly market in PSE options.

The Commission finds that the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change will better ensure an effective audit trial and compliance procedure, thereby facilitating the maintenance of a fair and orderly market. In addition, the proposed rule change is similar to a rule change proposed by the Chicago Options Exchange, Inc. which was approved by the Commission (File No. SR-CBOE-85-6), Securities Exchange Act Release No. 34-21944, April 12, 1985.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 19, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 14, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-4108 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

February 20, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Zenith Laboratories, Inc.

Common Stock, $0.09 Par Value (File No. 7-8834)

This security is listed and registered on one or more other national securities exchange and is reported in the

consolidated transaction reporting system.

Interested persons are invited to submit on or before March 13, 1986 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-4159 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

February 20, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Brascan Limited
Class A Convertible Ordinary Stock (File No. 7-8828)
Korea Fund, Inc.
Common Stock, $1.00 Par Value (File No. 7-8829)
Gleason Corporation
Common Stock, $1.00 Par Value (File No. 7-8830)
Metropolitan Financial Corporation
Common Stock, $.01 Par Value (File No. 7-8831)
O'Sullivan Corporation
Common Stock, $1.00 Par Value (File No. 7-8832)
Petrie Stores Corporation
Common Stock, $1.00 Par Value (File No. 7-8833)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 13, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extnsions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-4160 Filed 2-25-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for Review.

SUMNMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 21 days of this publication in the **Federal Register.** If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Copies of the survey, request for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Richard Vizachero, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538

OMB Reviewer: Bruce McConnell, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-3795

Title: Small Business Development Center Project Officer Checklist
Frequency: Quarterly
Description of Respondents: SBDC's are required to submit on a quarterly basis, a programmatic and financial report and maintain documentation to support and facilitate a financial and/or program audit
Annual Responses: 160
Annual Burden Hours: 320
Type of Request: Reinstatement
Title: Development Company Reporting Requirements
Frequency: Annually
Description of Respondents: Development companies must provide basic information to determine the viability and eligibility of the development companies and to protect SBA's financial interest
Annual Responses: 550
Annual Burden Hours: 825
Type of Request: Reinstatement.

Date: February 19, 1986.

Richard Vizachero,

Chief, Administrative Procedures and Documentation Section, Small Business Administration.

[FR Doc. 86-4171 Filed 2-25-86; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 02/02-5470]

Application for a License To Operate as a Small Business Investment Co.; East Coast Venture Capital, Inc.

An amended application for a license to operate as a small business investment company (SBIC) under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.),* has been filed by East Coast Venture Capital, Inc. (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1985).

The officers, directors and shareholders of the Applicant are as follows:

Name and address	Title or relationship	Percent of ownership
Zindel Zelmanovitch, 1983 18th Street, Brooklyn, New York 11223.	President, Director	45
Nathan G. Berney, 25 Highview Road, Monsey, New York 10952.	Secretary, Director	[1] 55
Jeanette Berney, 25 Highview Road, Monsey, New York 10952.	Treasurer, Director	

[1] Jointly with spouse.

The Applicant, a New York corporation, with its principal place of

business at 250 West 57th Street, New York, New York 10107, will begin operatons with $1,000,000 of paid-in capital and paid-in surplus. The Applicant will initially conduct its activities in the state of New York.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA rules and regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 19, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-4168 Filed 2-25-86; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2229]

Declaration of Disaster Loan Area; Texas

The County of Harris and the adjacent County of Montgomery in the State of Texas constitute a disaster loan area because of damage caused by a tronado, hail and high winds which occured on February 5, 1986. Applications for loans for physical damage may be filed until the close of business on April 21, 1986, and for economic injury until Spetember 2, 1986, at:

Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051

or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 222912 for physical damage and for economic injury the number is 637600.

(Catalog of Federal Domestic Assistance Program Nos. 59008)

Dated: February 19, 1986.

James C. Sanders,

Administrator.

[FR Doc. 86-4166 Filed 2-25-86; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2230]

Declaration of Disaster Loan Area; Washington

King County and the adjacent County of Kitsap in the State of Washington constitute a disaster area because of heavy rain, flooding, mud slides and wind which occurred January 16-25, 1986. Applications for loans for physical damage may be filed until the close of business on April 21, 1986, and for economic injury until the close of business on September 2, 1986, at the address listed below:

Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, California 95825

or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations	10.500

The number assigned to this disaster is 223006 for physical damage and for economic injury the number is 637700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 19, 1986.

James C. Sanders,

Administrator.

[FR Doc. 86-4167 Filed 2-25-86; 8:45 am]

BILLING CODE 8025-01-M

Baltimore Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration, Region III, located in the geographic area of Baltimore, Maryland, will hold a public meeting at 9:30 a.m., on Thursday, March 13, 1986, at the HUD conference room, 2nd floor, The Equitable Building, 10 North Calvert Street, Baltimore, Maryland 21202 to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Charles J. Gaston, District Director, U.S. Small Business Administration, 10 North Calvert Street, 3rd floor Baltimore, Maryland 21202. (301) 962-2054.

Jean M. Nowak,

Director, Office of Advisory Councils.

February 18, 1986.

[FR Doc. 86-4169 Filed 2-25-86; 8:45 am]

BILLING CODE 8025-01-M

Oklahoma Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration, Region VI, located in the geographical area of Oklahoma City, Oklahoma, will hold a public meeting at 10:00 a.m., Wednesday, March 5, 1986, at the Sheraton Hotel, 1000 E. 2nd Street, Edmond, Oklahoma, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Robert K. Ball, District Director, U.S. Small Business Administration, 200 NW. 5th Street, Suite 670, Oklahoma City, Oklahoma 73102 (405) 231-5237.

Jean M. Nowak,

Director, Office of Advisory Councils.

February 18, 1986.

[FR Doc. 86-170 Filed 2-25-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 954]

Certain Foreign Passports Validity

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States of his

contemplated initial period of stay authorizing him to return to the country from which he came or proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These arrangements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport.

This order adds Hong Kong and Singapore to those countries which have concluded such agreements subsequent to Public Notice 918 of October 1, 1984. The following foreign governments have concluded agreements with the Government of the United States:

Algeria, Antigua and Barbuda, Australia, Austria (Reisepass only), The Bahamas, Bangladesh (travel permits and passports), Belgium, Bolivia, Brazil, Cambodia, Canada, Chile, Colombia, Costa Rica, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany (FRG) (Reisepass and Kinderausweis), Greece, Guatemala, Guinea, Guyana.

Honduras, Hong Kong, Iceland, India, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Korea, Kuwait, Laos, Lebanon, Libya, Liechtenstein, Luxembourg, Madagascar, Mauritius, Mexico, Monaco, Morocco, Netherlands, New Zealand, Nicaragua (diplomatic and official passports only), Nigeria, Norway.

Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, St. Vincent and the Granadines, Senegal, Singapore, Soviet Union (U.S.S.R.) (Seamen only), Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Yugoslavia.

In addition, travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein.

Public Notice 918 of October 1, 1984 issued at 49 FR 38780 is hereby superseded.

Dated: February 19, 1986.

Joan M. Clark,

Assistant Secretary for Consular Affairs.

[FR Doc. 86-4136 Filed 2-25-86; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB January 27, 1986-February 19, 1986

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation, during the period January 27, 1986—February 19, 1986, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, DC 20590, telephone (202) 426-1887, or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from January 27, 1986—February 19, 1986.

DOT No: 2690.
OMB No: 2115-0138.
By: United States Coast Guard.
Title: Records and Reports of Inspections.
Form(s): CG-840-AA, CG-840-BB, CG-2832.
Frequency: On Occasion.
Respondents: Owners and operators of U.S. Merchant Vessels.
Need/Use: This information collection contains a recordkeeping requirement which is needed to enforce the Coast Guard's commercial vessel safety program as described in 46 CFR. The Coast Guard uses these records to document the construction, alteration, repair and maintenance of said vessels to insure the safety of life and property at sea.

DOT No: 2697.
OMB No: 2127-0044.
By: National Highway Traffic Safety Administration.
Title: Names and Addresses of First Purchasers of Motor Vehicles.
Form(s): None.
Frequency: On Occasion.
Respondents: Motor vehicle manufacturers and dealers.
Need/Use: Motor vehicle manufacturers are required to record and retain the names and addresses of first purchasers of new motor vehicles, so that the manufacturer can directly notify those persons if the vehicle is recalled.

DOT No: 2698.
OMB No: 2125-0023.
By: Federal Highway Administration.
Title: Defense Bridges and Critical Highway Facilities Reports.
Form(s): None.
Frequency: Annually.
Respondents: State highway agencies.
Need/Use: To meet requirements of the Federal Emergency Management Agency (FEMA), Department of Defense (DOD), and the FHWA in carrying out responsibilities related to National emergencies, disaster relief, and defense activities.

DOT No: 2699.
OMB No: 2138-0016.
By: Research and Special Program Administration.

Title: Report of Extension of Credit to Political Candidates.
Form(s): RSPA-183.
Frequency: On Occasion.
Respondents: Air carriers holding section 401 certificates.
Need/Use: This report fulfills the Department's requirement under the Election Campaign Act to collect data on the extension of unsecured credit to candidates for Federal office by certificated air carriers.

DOT No: 2700.
OMB No: 2115-0520.
By: United States Coast Guard.
Title: Plan Approval and Records for Existing Tank Vessels of 20,000 to 40,000 Deadweight Tons (DWT) Carrying Oil in Bulk.
Form(s): None.
Frequency: On Occasion.
Respondents: Existing tank vessels of 20,000-40,000 DWT carrying oil in bulk.
Need/Use: This information collection is needed and used by the Coast Guard to ensure that: (1) U.S. and foreign vessels comply with the minimum standards; (2) documentation is on board to determine compliance with equipment and design standards; and (3) authorized classification societies meet the applicable requirements to conduct third-party certifications and inspections.

DOT No: 2702.
OMB No: 2132-0530.
By: Urban Mass Transportation Administration.
Title: Nondiscrimination on the Basis of Handicap in Programs Receiving Financial Assistance from the Department of Transportation.
Form(s): None.
Frequency: Annually and Triennially.
Respondents: State/Local Governments and public transit authorities.
Need/Use: The information is needed to ensure that UMTA recipients are complying with the statutory provisions concerning transportation services for elderly and handicapped persons. In addition, the information will indicate whether these recipients are providing the services planned. UMTA's recipients are providers of mass transportation service.

DOT No: 2703.
OMB No: 2133-0006.
By: Maritime Administration.
Title: Documentation, Transfer, or Charter of Vessels.
Form(s): MA-29, MA-29A, MA-29B.
Frequency: On Occasion.
Respondents: Charterers/owners of vessels.
Need/Use: Information is needed to provide approval of certain charters to noncitizens and of the sale or other transfer to noncitizens of certain vessels.

DOT No: 2704.
OMB No: None.
By: Urban Mass Transportation Administration.
Title: Charter Bus Operations.
Form(s): None.
Frequency: Annually (with each grant application).
Respondents: State and Local Governments.
Need/Use: UMTA needs to require applicants to submit an agreement and to restrict its recipients to provide charter service only where there is no willing and able private operator to ensure that the UMT Act's protections for UMTA equipment and for private operators are complied with.

DOT No: 2705.
OMB No: 2120-0085.
By: Federal Aviation Administration.
Title: Certification and Operations—FAR 125.
Form(s): None.
Frequency: On Occasion.
Respondents: Air Carriers operating under FAR 125.
Need/Use: Federal Aviation Act of 1958, authorizes issuance of Air Carrier Operating Certificates. 14 CFR 125 will prescribe requirements for leased aircraft, aviation service firms, air travel clubs. Information collected shows compliance and applicants eligibility.

DOT No: 2706.
OMB No: 2125-0508.
By: Federal Highway Administration.
Title: Hazardous Materials Instructions and Documents.
Form(s): None.
Frequency: On Occasion.
Respondents: Motor Carriers.
Need/Use: Requirement that motor carriers transporting Class A or Class B explosives are required to provide drivers with written instructions.

DOT No: 2707.
OMB No: None.
By: National Highway Traffic Safety Administration.
Title: Impact of Public Information and Education Campaign on Driver Perception of Motor Vehicle Accident Injury Risk and Emergency Medical Services Awareness.
Form(s): None.
Frequency: On Occasion.
Respondents: Industries/Households.
Need/Use: PI&E involves a public information and education campaign to increase public knowledge and appropriate use of the EMS System. A telephone survey will be used for the test and comparison sites. It will measure public knowledge and awareness of EMS before and after the campaign.

Issued in Washington, DC, on February 20, 1986.

John E. Turner,

Director of Information Systems and Telecommunications.

[FR Doc. 86-4116 Filed 2-25-86; 8:45 am]

BILLING CODE 4910-62-M

[Docket 42425]

Southwest Airlines Co., Enforcement Proceeding; Rescheduling of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding, earlier scheduled to commence on April 14, 1986, has been rescheduled and will commence on April 10, 1986 at 9:30 a.m. (local time) in Room 5332, Nassif Bldg., 400 7th Street, SW., Washington, DC before the undersigned Chief Administrative Law Judge.

Dated at Washington, DC, February 19, 1986.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 86-4085 Filed 2-25-86; 8:45 am]

BILLING CODE 4910-62-M

Urban Mass Transportation Administration

[Docket No. 86-A]

Guidance on Documentation of Private Enterprise Participation of Urban Mass Transportation Programs; Extension of Comment Period

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Extension of Comment Period.

SUMMARY: On January 24, 1986, the Urban Mass Transportation Administration (UMTA) announced in the Federal Register (51 FR 3306) its guidance on documentation of private enterprise participation in urban mass transportation programs. That notice provided a 30-day period for public comments. Since then requests have been received for an extension of the public comment period. The purpose of this notice is to extend the public comment period of an additional 30 days.

DATE: The comment period on UMTA Docket No. 86-A, Guidance on Documentation of Private Enterprise Participation in Urban Mass Transportation Programs (51 FR 3306), is

extended from February 24, 1986 to March 26, 1986.

ADDRESS: Comments on this policy should be submitted to UMTA Docket Number 86-A, Urban Mass Transportation Administration, Room 9228, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 5:30 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas Birnie, Acting Director, Office of Private Sector Initiatives, Room 9310, telephone (202) 426-6385, UMTA, 400 Seventh Street, SW., Washington, DC 20590.

Dated: February 18, 1986.

Ralph L. Stanley,

Administrator.

[FR Doc. 86-4097 Filed 2-25-86; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Dept. Circ.—Public Debt Series—No. 10-86]

Treasury Notes, Series W-1988

Washington, February 20, 1986.

The Secretary announced on February 19, 1986, that the interest rate on the notes designated Series W-1988, described in Department Circular—Public Debt Series—No. 10-86 dated February 13, 1986, will be 8 percent. Interest on the notes will be payable at the rate of 8 percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-4145 Filed 2-25-86; 8:45 am]

BILLING CODE 4810-40-M

[Dept. Circ.—Public Debt Series—No. 11-86]

Treasury Notes of May 15, 1991, Series J-1991

Washington, February 19, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $7,500,000,000 of United States securities, designated Treasury Notes of May 15, 1991, Series J-1991 (CUSIP No. 912827 TJ 1), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The notes will be dated March 5, 1986, and will accrue interest from that date, payable on a semiannual basis on November 15, 1986, and each subsequent 6 months on May 15 and November 15 through the date that the principal becomes payable. They will mature May 15, 1991, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, February 26, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 25, 1986, and received no later than Wednesday, March 5, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively

higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a 1/8 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Wednesday, March 5, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, March 3, 1986. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Wednesday, March 5, 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes of full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-4246 Filed 2-24-86; 12:27 pm]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Advisory Board for Radio Broadcasting to Cuba; Meeting

The Advisory Board for Radio Broadcasting to Cuba will conduct a meeting on March 4, 1986, in Room 3557, 400 Sixth Street SW., Washington, DC. Below is the intended agenda.

Tuesday, March 4, 1986

Part 1—Closed to the Public

9:00 a.m.—1. Discussion of suggested Board By-Laws prepared by Staff.
10:00 a.m.—2. Selection of a Board Vice-Chairman.
10:30 a.m.—3. Technical Responses by the Cuban government to the Radio Marti Program.
11:30 a.m.—4. Evaluation and analysis of the audience.
12:30 p.m.—5. Lunch.
2:30 p.m.—6. Impact of the "Gramm-Rudman" spending legislation on the Radio Marti Program.

Part 2—Open to the Public

3:30 p.m.—7. Discussion of the Annual Report to be sent to President Reagan on the Program's first broadcasting anniversary, May 20, 1986.
4:30 p.m.—8. Testimony of members of the public attending the meeting.
5:30 p.m.—9. Adjournment.

The first five items of the seven item agenda, which will be discussed from 9:00 a.m. to 3:30 p.m., will be closed to the public. Items 1 and 2 concern (1) the adoption of Board by-laws and (2) the selection of a Vice-Chairman. These two items fall under 5 U.S.C. 552b(c)(2) of the Government in the Sunshine Act which permits meetings to be closed during "discussion of internal personnel rules and practices." Items 3, 4, and 5 cover (3) technical responses by the Cuban government to the Radio Marti Program, (4) the determination of the existing size and nature of the Cuban audience, and (5) the impact of the Gramm-Rudman bill. All will involve discussion of classified information. Closing such deliberations to the public is also justified by the Sunshine Act under 5 U.S.C. 552b(c)(1)]. Premature disclosure of some of this information would be likely to significantly frustrate implementation of proposed Agency action.

Members of the public interested in attending the meeting should contact Mr. Stuart Sweet on (202) 485-6312 to make prior arrangements, as access to the building is controlled.

Dated: February 21, 1986.

Charles Z. Wick,

Director.

[FR Doc. 86-4191 Filed 2-25-86; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Amended System of Records

Notice is hereby given that the Veterans Administration is amending the system of records entitled 27VA047, "Personnel and Accounting Pay System—Va." Specifically, VA field facilities will be granted access to the data stored in this system.

This expanded access is being provided in order to give authorized field and Central Office employees more current information on personnel and payroll data stored at the Austin DPC. Access to the data will be by one of two methods. The first method is an on-line (query) database designed for users with a personal computer or an interactive terminal connected by a dial-in capability with the Austin DPC. The other method is for Department of Medicine and Surgery facilities with a Decentralized Hospital Computer Program (DHCP) to down-load their accessible data to a storage device located at the facility.

Access to data within this system will be limited to authorized employees. Security access procedures will be by the means of unique user identifications and passwords.

Accordingly, the VA is amending the paragraphs pertaining to storage and safeguards.

A "Report of Intention to Publish a Federal Register Notice of a New System of Records" and an advance copy of the new system notice have been provided to the Speaker of the House, President of the Senate, and the Director, Office of Management and Budget (OMB), as required by the provisions of 5 U.S.C. 552a(o) and the Privacy Act Guidelines issued by OMB on October 3, 1975 (40 FR 45877).

These changes are administrative in nature, therefore, no public comment is required.

Approved: February 19, 1986.

Everett Alvarez, Jr.,

Acting Administrator.

Notice of Amendments to System of Records

In the system identified as 27VA047, "Personnel and Accounting Pay System-VA", in Office of the Federal Register, Privacy Act Insurances, 1984 Compilation, Vol. V., p. 713, as amended at 50 FR 23100 (May 30, 1985), the system notice is revised as follows:

27VA047

SYSTEM NAME:

Personnel and Accounting Pay System—Va

* * * * *

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM.

* * * * *

STORAGE:

Paper documents, magnetic tape, disks.

* * * * *

SAFEGUARDS:

Physical Security: Access to Payroll Folder Files is restricted to fiscal officers and employees of the Payroll Section. Access to Official Personnel Folder Files is restricted to personnel officers and employees authorized access under Federal Personnel Manual and VA Manual, MP-5, Personnel Policy. Personnel and Fiscal offices are locked after working hours and are protected from outside access by the Federal Protective Service and other security officers. Access to data by means of on-line (query) data base or down-loading with a Decentralizing Hospital Computer Program (DHCP) is restricted to authorized employees by means of unique user identifications and passwords. User identifications and passwords will be seven (7) characters in length. These codes are to be mailed in a sealed envelope to an employee's business address and will be opened only by the addressed employee. No user identification or password will be given to an employee except those authorized access under Federal Personnel Manual and VA Manual, MP-5, Personnel Policy.

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[FR Doc. 86-4134 Filed 2-25-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 38
Wednesday, February 26, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 24, March 3, 10, and 17, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW, Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of February 24

Tuesday, February 25

10:00 a.m.
Briefing by Incident Investigation Team on Status of Rancho Seco (Public Meeting)

Wednesday, February 26

2:00 p.m.
Briefing on NUMARC Initiatives (Public Meeting)

Thursday, February 27

10:00 a.m.
Discussion of DOE High Level Waste Program (Public Meeting)
2:00 p.m.
Affirmative/Discussion and Vote (Public Meeting
a. Review of ALAB-819 (In the Matter of Philadelphia Electric Company)
2:30 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6) (if needed)

Week of March 3

Tentative

Wednesday, March 5

11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of March 10

Tentative

Tuesday, March 11

10:00 a.m.
Briefing by TVA on Status, Plans and Schedules (Public Meeting)
2:00 p.m.
Briefing by DOE on R&D Results from TMI-2 Cleanup (Public Meeting)

Wednesday, March 12

10:00 a.m.
Status of Pending Investigations (Closed—Ex. 5 & 7)
2:00 p.m.
Status Briefing on Fermi (Open/Portion may be Closed—Ex. 5 & 7)

Thursday, March 13

10:00 a.m.
Briefing by Staff and Licensee on Status of Kerr-McGee Sequoyah Fuel Facility (Public Meeting)
11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, March 14

10:00 a.m.
Periodic Meeting with Advisory Committee on Reactor Safeguards (Public Meeting)

Week of March 17

Tentative

Monday, March 17

2:00 p.m.
Discussion/Possible Vote on Palo Verde-2 Full Power Operating License (Public Meeting)

Tuesday, March 18

2:00 p.m.
Briefing by Southern California Edison Co. on San Onofre-1 (Public Meeting)

Wednesday, March 19

10:00 a.m.
Periodic Briefing by Regional Administrators (Public Meeting)

Thursday, March 20

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, March 21

10:00 a.m.
Advisory Commitee on Reactor Safeguards [ACRS] Meeting on Safety Goals (Public Meeting) (Tentative)

ADDITIONAL INFORMATION: Affirmation of "Final Rule Establishing Criteria for Reopening Records to Formal Licensing Proceedings" scheduled for February 20 was *postponed.*

To Verify the Status of Meetings Call (Recording)—(202) 634-1598

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410.

Dated: February 20, 1986.

Julia Corrado,

Office of the Secretary.

[FR Doc. 86-4163 Filed 2-21-86; 4:18 pm]

BILLING CODE 7590-01-M

2

RAILROAD RETIREMENT BOARD

Notice is hereby given that the Railroad Retirement Board will hold a meeting on March 4, 1986, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611.

The agenda for this meeting follows:

(1) Proposed Changes in the RUIA Regulations.
(2) Canadian Service.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312-751-4920, FTS No. 387-4920.

Dated: February 21, 1986.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 86-4115 Filed 2-24-86; 10:52 am]

BILLING CODE 7905-01-M

3

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 24, 1986.

Closed meetings will be held on Tuesday, February 25, 1986, at 2:30 p.m. and on Thursday, February 27, 1986, following the 2:30 p.m. open meeting.

Open meetings will be held on Wednesday, February 26, 1986, at 2:00 p.m. and on Thursday, February 27, 1986, at 10:00 a.m. and 2:30 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendered matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C.

552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Peters, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 25, 1986, at 2:30 p.m., will be:

Formal orders of investigation.

To amend formal orders of investigation.

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Settlement of administrative proceedings of an enforcement nature.

The subject matter of the open meeting scheduled for Wednesday, February 26, 1986, at 2:00 p.m., will be:

The Commission will meet with representatives of self-regulatory organizations and state securities commissions to discuss issues of mutual interest and concern, including, but not limited to, coordination of enforcement and surveillance programs. For further information, please contact Alan L. Dye at (202) 272-2014.

The subject matter of the opening meeting scheduled for Thursday, February 27, 1986, at 10:00 a.m., will be:

1. Consideration of whether to grant an application filed by David Lerner Associates, Inc. for an order exempting it from the provisions of section 9(a) of the Investment Company Act. For further information, contact Cary Sundick at (202) 272-2344.

2. Consideration of whether to adopt rules to require registrants to: (1) Present certain industry segment information for interim periods; and (2) focus on reportable segments within Management's Discussion and Analysis of Financial Condition and Results of Operations. The Commission will also consider whether to adopt certain other amendments to its requirements for interim financial reporting. For further information, please contact John W. Albert at (202) 272-2130.

The subject matter of the open meeting scheduled for Thursday, February 27, 1986, at 2:30 p.m., will be:

The Commission will hear oral argument on an appeal by Owen V. Kane, the vice president of a registered broker-dealer, from an administrative law judge's intial decision. For further information, please contact R. Moshe Simon at (202) 272-7400.

The subject matter of the closed meeting scheduled for Thursday, February 27, 1986, following the 2:30 p.m. open meeting, will be:

Post oral argument discussion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Judith Axe at (202) 272-2092.

Dated: February 20, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-4215 Filed 2-24-86; 11:33 am]

BILLING CODE 8010-01-M

federal register

Wednesday
February 26, 1986

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 882

Medical Devices; Invitation for Offers To Submit or To Develop a Performance Standard for Central Nervous System Fluid Shunt and Components; Notice of Inquiry

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 882

[Docket No. 83N-0192]

Medical Devices; Invitation for Offers To Submit or To Develop a Performance Standard for Central Nervous System Fluid Shunt and Components

AGENCY: Food and Drug Administration.

ACTION: Notice of inquiry.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to invite interested persons, including any Federal agency, to submit any existing standard as a proposed performance standard for the central nervous system fluid shunt and components, or to submit an offer to develop such a proposed standard. If FDA does not receive any response to this notice, or receives a response but does not accept any existing standard or offer to develop a standard, the agency will proceed to develop a performance standard or take other appropriate action to facilitate the development of a performance standard for the device.

DATE: Existing standards or offers shall be submitted on or before April 28, 1986.

ADDRESS: Existing standards or offers shall be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles E. MacNeill, Center for Devices and Radiological Health (HFZ-83), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION:

Background Introduction

Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: Class I (general controls), class II (performance standards), or class III (premarket approval).

In the **Federal Register** of September 4, 1979 (44 FR 51769), FDA published a final rule (21 CFR 882.5550) classifying the central nervous system fluid shunt and components into class II. In the **Federal Register** of July 8, 1983 (48 FR 31396), FDA initiated a proceeding to establish for the device a performance standard under section 514 of the act (21 U.S.C. 360d). As required by section 514(b) of the act, the proceeding was initiated by publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. FDA did not receive any request for a change in the classification of the device or any comments on the notice. Therefore, further action is not required under section 514(b) of the act.

As provided by section 514(c) of the act and Part 861 of the regulations governing performance standards development (21 CFR Part 861), FDA is continuing the proceeding to establish a performance standard for the central nervous system fluid shunt and components by inviting interested persons to submit an exisiting standard as a proposed performance standard for the device or to submit an offer to develop such a proposed standard.

Current Action

Section 514(c)(1)(A) of the act and § 861.20(c) of the regulations provide that in the event further action is not required under section 514(b) of the act, FDA shall publish in the **Federal Register** a notice inviting any interested person, including any Federal agency, to submit to FDA, within 60 days after the date of publication of the notice, an existing standard as a proposed performance standard or an offer to develop a proposed performance standard.

Section 514(c)(2)(B) of the act and § 861.22 of the regulations provide that the notice is to include: (1) A description or other designation of the device; (2) a statement of the risk or risks associated with the use of the device and which are intended to be controlled by a performance standard, including pertinent portions of the recommendations of FDA's advisory committees with respect to the device; (3) a summary of the data on which FDA has found a need for initiation of the proceeding to develop a performance standard, including pertinent portions of the recommendations of FDA's advisory committees with respect to the device; (4) identification of any existing performance standard known to FDA which may be relevant to the proceeding; (5) the approximate number of products (i.e., kinds of models) within the generic type of device; and (6) the time period within which the standard is to be developed, which may be extended by the Commissioner of Food and Drugs for good cause shown.

Device Description

The central nervous system fluid shunt is identified in § 882.5550 as a device or a combination of devices used to divert central nervous system fluid from the brain or other part of the central nervous system to an internal delivery site or to an external receptacle for the purpose of relieving elevated intracranial pressure or fluid volume (e.g., due to hydrocephalus). Components of the central nervous system fluid shunt may include catheters, valved catheters, valves, connectors, and other accessory components intended to facilitate use of the shunt or evaluation of a patient with a shunt.

Scope of the Standard; Models of the Device

FDA intends that any proposed performance standard for the central nervous system fluid shunt and its components to be offered or developed at this time would apply to internal totally implanted shunts, external temporary devices that drain cerebrospinal fluid to an external receptacle, and components of both internal and external shunts.

Of the various central nervous system fluid shunt device products, the commonly used shunts fall into the following models which are distinguished by the placement of the proximal or the distal end of the catheter:

(1) *Ventriculo-Atrial Shunt:* A widely used model of the shunt consisting of a variety of catheters, valves, reservoirs, and flushing components. The ventricular segment of the shunt is inserted into a lateral cerebral ventricle, preferably on the right side through a parietal burr hole. The cardiac segment of the shunt is directed subcutaneously to the neck where it is inserted into the internal jugular vein directly or through one of its branches and down the superior vena cava into the right atrium of the heart.

(2) *Ventriculo-Peritoneal Shunt:* A model of the shunt in which the ventricular catheter and components are similar to those of the ventriculo-atrial shunt, but the distal end of the catheter is directed subcutaneously into the peritoneal cavity where absorption of the cerebrospinal fluid takes place.

(3) *Lumbo-Peritoneal Shunt:* A model of the shunt which drains cerebrospinal fluid from the lumbar subarachnoid space to the peritoneal cavity.

(4) *Ventriculo-Ureteral Shunt:* A model of the shunt which drains

cerebrospinal fluid from one of the ventricles of the brain to a ureter and into the urinary bladder.

(5) *Ventriculo-Lymphatic Shunt:* A model of the shunt which drains cerebrospinal fluid from one of the ventricles of the brain to one of the lymphatic vessels.

(6) *Ventriculo-Pleural Shunt:* A model of the shunt which drains cerebrospinal fluid from one of the ventricles of the brain to one of the plura cavities.

(7) *External-Receptacle Shunt:* A model of the shunt which drains cerebrospinal fluid from the lateral cerebral ventricle to a receptacle external to the body, generally for diagnostic purposes or for temporary drainage of the fluid.

Risks Associated With the Device and Which Are To Be Controlled by a Performance Standard

In the **Federal Register** of November 28, 1978 (43 FR 55714), FDA published a proposed rule to classify into class II the central nervous system fluid shunt and components. FDA listed in the preamble to the proposal the risks to health which its advisory committee identified as presented by the device.

The Neurological Devices Panel (then the Neurological Device Classification Panel), an FDA advisory Committee, identified the following risks to health:

(a) *Abnormal intracranial pressure:* Mechanical malfunctioning of the shunt or its components (e.g., blockage of the catheter or valve) may result in elevated intracranial pressure and the return of symptoms of hydrocephalus.

(b) *Tissue toxicity:* Adverse tissue reactions may result if the shunt or component materials are not biocompatible.

(c) *Perforation of viscus:* The tip of the catheter may puncture the bladder or other organs if the catheter material is too stiff.

(d) *Infection:* Infection may result if the shunt or its components are not sterile or introduce contaminants into the patient.

A further discussion of the risks identified by the Panel is included in the section of this notice "Summary of the Data Supporting the Need for a Performance Standard."

Based on the Panel's recommendation and on additional reviews of the scientific literature (Ref. 14), FDA has identified the following specific risks associated with the use of the central nervous system fluid shunt and components and that need, as a minimum, to be controlled by a performance standard:

(1) *Elevated intracranial pressure.* Due to mechanical malfunction of a valve or obstruction (clogging) of one of the shunt components, fluid pressure inside the cranium may rise to levels that are life threatening. A performance standard for the device should address requirements such as controls on valve malfunctions, catheter kinking, component clogging, or separation of shunt components to protect against the risk of elevated intracranial pressure.

(2) *Insufficient ventricular volume.* Due to mechanical malfunction of a valve or separation of a shunt component, excessive fluid drainage may cause the ventricle to collapse resulting in subdural bleeding which may be fatal. A performance standard for the device should address requirements such as controls on valve malfunction or separation of shunt components to protect against the risk of insufficient ventricular volume.

(3) *Perforation of a body organ.* Due to the use of catheter material which is too hard or which contains sharp edges, the catheter tip may puncture the bladder or other body organs leading to sepsis or hemorrhage which are life threatening. A performance standard for the device should address this risk by establishing requirements on materials and configuration controls.

(4) *Migration of components.* Due to inadequacies in component attachments, the implanted shunt components may become disconnected and migrate to various parts of the body resulting in life-threatening conditions. This risk may be compounded by the lack of radiopaque markers in the components which prevents location of migrated components in the body. A performance standard for the device should establish requirements and appropriate test methods applicable to component attachments. Provision of any such standard should include radiopaque marking requirements.

(5) *Skin erosion.* A shunt or its components that are implanted subcutaneously may cause erosion of the skin. Erosion can lead to open wounds which are vulnerable to infection and require reconstructive surgery. A standard should address the size, configuration, and material employed in shunts which may contribute to the frequency of erosion.

(6) *Revision trauma.* Periodic revision surgery to replace a shunt or its components, devices which are not easily removed, may result in excessive patient trauma due to component configuration, such as flanged catheters. Avulsion of brain tissue associated with the surgery may lead to hemorrhage or permanent neurological deficit. A standard should address the risk of revision trauma by establishing requirements for component configuration to control tissue damage associated with revision surgery.

(7) *Infection.* Infection resulting from implanation of a shunt or its components may be life threatening and may necessitate revision surgery and antibiotic treatment. A standard should address the risk of infection associated with use of the device by establishing requirements for sterility of the device and for related labeling.

(8) *Tissue toxicity.* Adverse tissue reaction and fever may result from the use of nonbiocompatible materials in a shunt or its components. The adverse effect may be correctable only by revision surgery. A standard should address the risk of tissue toxicity by establishing biocompatibility requirements for shunt and component materials. A standard should include associated test methods to assure reasonable compatibility of materials.

(9) *Thromboembolism.* Ventriculo-atrial shunts, in particular, present the potential for thrombus formation which may block a blood vessel resulting in a life-threatening infarction and the need of revision surgery. A standard should address the risk of thromboembolism by establishing requirements and associated test methods to ensure reasonable freedom from thrombus formation.

Summary of the Data Supporting the Need for a Performance Standard

The need to establish a performance standard for the central nervous system fluid shunt and components is based on information from several sources. These sources include FDA's advisory committee, reports in professional medical journals, a contract study by the University of Missouri on the design and functon of shunt valves (Ref. 13), a comprehensive literature search on neurosurgical implant devices conducted for FDA under another agency contract (Ref. 14), reports received through the agency's Device Experience Network (DEN), and information submitted to FDA under 21 CFR Part 803, the agency's regulations governing medical device reporting. FDA believes that the data presented in this notice support the need for a performance standard to address the risks described under the section of this notice "Risks Associated with the Device and Which are to be Controlled by a Performance Standard."

The Neurological Devices Panel summarized the reasons for recommending that FDA classify the

central nervous system fluid shunts and components into class II (see 43 FR 55714, 55715). The Panel made its recommendation because the Panel members believed that there is sufficient information available to establish a performance standard that will assure the safety and effectiveness of the device. Shunts have been used for many years to treat hydrocephalus. Hydrocephalus is a condition, usually in children, characterized by an accumulation of cerebrospinal fluid in the head. The cerebrospinal fluid causes the head to enlarge and may produce brain damage by fluid pressure. The Panel members believed that the characteristics of the central nervous system fluid shunt and components are reasonably well established and that the conditions being treated are reasonably well understood. Although the Panel believed that the materials that have been used in the device are generally regarded as safe, it recommended the establishment of standards to ensure consistency in the composition of the materials.

In addition, the Panel members believed that it is important for the physician to know the pressure-flow characteristics of the valves used in shunts, to compare available valves, and to select the correct valve for a particular patient. Accordingly, the Panel recommended that the manufacturers of shunt valves be required to state, in standard form, the pressure-flow characteristics of their valves and to use standard test procedures to obtain measurements of those characteristics.

The Panel members believed that general controls will not provide sufficient control over the characteristics cited above; that a performance standard will provide reasonable assurance of the safety and effectiveness of the generic type of device, which includes internal, totally implanted shunts; external temporary devices that drain cerebrospinal fluid to an external receptacle; and components of both internal and external shunts.

The Panel based its recommendation in part on a review of the literature on fluid shunts. The published literature shows that the use of shunts is associated with relatively high death rates and mental retardation rates. These rates are lower, however, than the death rates and mental retardation rates for patients with untreated hydrocephalus. For example, Milhorat reported that the death rate for patients with untreated hydrocephalus is 40 to 70 percent, compared with a death rate of 5 to 35 percent for patients treated with ventriculo-atrial shunts (Ref. 1). The mental retardation rate among survivors with untreated hydrocephalus is 50 to 85 percent compared with a mental retardation rate of 20 to 50 percent among treated survivors (Ref. 1).

The use of central nervous system shunt products for treating hydrocephalus has been accompanied by a large number of complications. The complications vary depending upon the shunting technique and the anatomical site to which the cerebrospinal fluid is delivered. Complications common to most shunting techniques include obstruction or malfunction of the shunt, infection, and tissue reaction, e.g., formation of a fibrous sheath around the catheter or erosion of tissue over the shunt (Refs. 1, 5, and 7).

Ventriculo-atrial shunts have been associated with unique cardiopulmonary complications attributed to the placement of one end of the catheter in the blood stream. Among these complications are pulmonary emboli caused by clotting at the catheter tip or by breakage or separation and release of the catheter into the blood stream (Refs. 1, 2, and 3), and perforation of the heart wall by the catheter tip (Refs. 1 and 3). Glomerulonephritis (inflammation of the kidneys) has been reported in patients with ventriculo-atrial shunts (Ref. 4). Ventriculo-peritoneal shunts also have been associated with unique complications, such as perforation of the bladder or other organs by the catheter tip (Refs. 8, 9, and 10), development of inguinal (groin) hernias (Ref. 8), intra-abdominal cysts (Refs. 6 and 8), and ascites (cerebrospinal fluid collection in the abdominal cavity) (Ref. 6). Lumbo-peritoneal shunts have been associated with scoliosis (deviation in the straightness of the spine), leg pain or atrophy, and restricted back movement (Refs. 11 and 12). The Panel members believed that there have been few reports of complications associated with the use of ventriculo-ureteral, ventriculo-lymphatic, and ventriculo-pleural shunts because these methods are rarely used.

In 1979, the University of Missouri conducted an FDA-sponsored contract study on the central nervous system fluid shunt and components. The study's specific objectives were: (1) Preparation of a comprehensive critical review of the scientific literature that is directly applicable to the design and function of all shunt valves; (2) determination of the kind of test (or tests) that is necessary and sufficient to demonstrate that a given valve will perform its intended function; (3) identification of valve characteristics or parameters that appear to be of primary inportance to the prescribing physician in his or her selection of the proper device for the patient; (4) the design and documentation of simple, practical, and economical test methods which can be used to measure the characteristics and parameters that are found to be of primary importance; (5) a review of the findings and proposed test methods by independent experts, industry representatives, representatives of voluntary (consensus) standards groups, and others in an open seminar; and (6) the preparation of a final report which draws conclusions based on an analysis of the literature and comments obtained during the seminar (Ref. 13).

The University of Missouri reported that hydrocephalus shunt failures are usually associated with one of the following device complications:

(1) Blockage of shunt components (catheters, valves, connectors).

(2) Disconnection and separation of shunt components.

(3) Hydraulically and mechanically mismatched valves:

(i) Over drainage, which may produce ventricular collapse, hemorrhage, and over-riding of cranial sutures;

(ii) Inadequate drainage, which produces elevated ventricular pressure and the symptoms associated with hydrocephalus.

(4) Infection or inflammatory response of the host.

(5) Corrosion, abnormal calcification, and deterioration of the materials.

The contract study reports that very little quantitative data in the literature relate to blockage of shunt components or disconnection and separation of the components. The report also concludes that, according to the literature, infection or inflammatory response of the host and corrosion, abnormal calcification, or deterioration of the materials used in the shunt valves may be managed by using proper aseptic procedures and by selection of appropriate shunt materials. The complications associated with mismatched valves, however, have been seriously compounded by the lack of uniform standards on the pressure-flow characteristics of shunt valves. According to the study, most valves are described by the closing pressure of the valve and there is considerable overlap between the definitions of common pressure ranges used by various manufacturers. The results of flow tests performed by several investigators showed that the flow characteristics within each class (low, medium, and high flow) varied dramatically between

valve types. Such vastly different flow characteristics between similarly labeled devices indicate a need for standard test methods for pressure-flow characterization of shunts.

The University of Missouri also conducted research on shunt test methods. The contract study indicates that pressure-flow characteristics of shunt valves were determinable by two steady state flow tests: (1) Fixed pressure and flow measurement and (2) fixed flow and pressure measurement. Both methods may be used and, if the measuring equipment is properly selected, should produce the same results. The University of Missouri concluded, however, that such tests do not provide information respecting the performance characteristics of valves in a dynamic environment. The study notes that when designing tests to evaluate the shunt flow characteristics, the following need to be considered:

(1) The shunt assembly transfers fluid between two fluid reservoirs in which the pressures are not steady;

(2) The volume of fluid which is to be transferred by an assembly varies considerably from case to case, but is nearly always in the range of 0 to 2 milliliters per minute;

(3) The pressure within the ventricular cavity is to be maintained within desired limits (usually considered to be 80 to 180 millimeters of water depending on the size and age of the patient); and

(4) The test fluid should have physical properties which can be accurately related to the properties of cerebrospinal fluid.

The University of Missouri purchased five identical shunts from five manufacturers of the device product. The shunts were assembled according to manufacturers' instructions and tested under both steady state and dynamic test conditions. Graphs were plotted for both steady flow and dynamic flow pressure-flow data. A seminar on hydrocephalus shunts was held by the FDA contractor on April 20, 1980, to review these shunts and aspects of steady and dynamic bench test methods. The contract study contains: (1) A description of the equipment and test procedures, (2) data from the bench test of commercially available shunts, (3) a discussion of the test results, (4) conclusions on the value of the proposed bench tests, and (5) recommendations concerning appropriate labeling for cerebrospinal fluid shunt systems. Based on these findings, a standard bench test method was proposed for determining the dynamic pressure-flow characteristics of a shunt assembly.

The contract study concludes that based on an analysis of the literature and on comments obtained during the seminar, dynamic state testing as well as the previously established steady state test methods are necessary to characterize valve performance.

Under another FDA contract, a literature search was performed on neurosurgical implant devices (Ref. 14). The portion of the report of the literature search pertaining to the central nervous system fluid shunt and components identified a number of complications associated with the use of the device. The major complications are summarized below according to the frequency with which the complication was noted in the literature searched (generally in the order from the most to the least often noted).

(1) Obstruction of flow of the cerebrospinal fluid resulting in elevated intracranial pressure was reported most often. The purpose of the surgical procedure is to relieve elevated intracranial pressure; therefore, obstruction of flow returns the patient to the original condition that the surgical procedure was intended to relieve.

(2) Infection is reported often as a major complication and concern of surgeons. An otherwise successful surgical procedure with early indications of patient recovery is complicated with the onset of infection, an event often requiring revision procedures.

(3) Inappropriate dynamic flow characteristics of shunts and their components was cited as a common concern. Many of the components are similar in purpose, if not in design and function; therefore, many of the adverse effects associated with shunts can be related to the pressure-flow characteristics of the device implanted in the patient.

(4) Disconnects, or fracture, of the components comprising the shunt system are a major complication. Loss of integrity of the flow system may result in elevated intracranial pressure, insufficient ventricular volume, or migration through the body of components (or pieces of components in the case of fractures). Pieces of components, or even the components, are difficult to identify in revision surgery in the absence of radiopaque markers.

(5) Perforation of body organs, or body tissue, is caused by hard shunt materials or sharp edges remaining on components. Perforation of the kidney by the ventriculo-peritoneal shunt is often noted. This complication, which requires revision surgery to correct may not be readily diagnosed in the absence of radiopaque markers.

(6) Nonbiocompatible shunt and component materials leading to a toxic reaction or high fever developing in the patient was expressed as a major concern. The use of nonbiocompatible, or marginally biocompatible, materials results in a complication correctable only by revision surgery.

(7) Skin erosion by the shunt subcutaneously implanted at the head/neck region was commonly noted in the literature. Corrective surgery is indicated for this complication which may lead to infection.

(8) Thrombosis is a concern often noted in the literature for ventriculo-atrial shunts because the distal portion of a ventriculo-atrial shunt is inserted into the jugular vein or through one of its branches into the right atrium of the heart. The use of non-thrombo-resistant materials in the distal component of these shunts may lead to thrombosis.

Based on the contract studies (Refs. 13 and 14), FDA concludes that the data support the need for a standard and that sufficient information and data exist to develop a performance standard that will provide reasonable assurance of the safety and effectiveness of the central nervous system fluid shunt and its components.

FDA concludes that the data support the need for characterizing the pressure-flow characteristics of central nervous system fluid shunt products using standard test procedures so that the physician may compare available device products and select the product which best resolves the patient's condition. Also, a shunt product needs to correct the imbalance in the rate of a patient's cerebrospinal fluid formation and drainage to yield a "normal" net accumulation of fluid within the cerebral ventricles to return the patient to a near normal physiological condition. For these reasons, FDA believes that pressure-flow values included in the labeling for the device need to be defined under conditions simulating the dynamic characteristics of the human body and that a standard for the device should so provide.

In addition, based on retrospective studies of patient populations, FDA concludes that common failure/defects of the central nervous system fluid shunt and components relate to disconnection, dislocation, migration, catheter kinking, device rupture, tissue or organ damage, infection, and tissue reaction adjacent to the device. FDA believes that a standard needs to address such risks to provide reasonable assurance of the safe and effective performance of the device when implanted into the human body.

Under FDA's Device Experience Network (DEN) and the agency's medical device reporting (MDR) regulations (21 CFR Part 803), FDA receives reports on medical devices when a death, serious injury, or malfunction of a device occurs. The DEN system is voluntary, which limits the reliability of the data and does not provide quantitative information. The MDR regulations are mandatory and require a report whenever a manufacturer or importer of a device receives or otherwise becomes aware of oral or written information that a device may have caused or contributed to a death or serious injury, or malfunctioned and if the malfunction were to recur, it would be likely to cause or contribute to a death or serious injury.

FDA has reviewed recently received DEN and MDR reports to identify deaths, serious injuries, and malfunctions associated with the device. Eighteen DEN reports were received and provided specific information on labeling (three reports), infections (three reports), tissue trauma (one report), fractures (one report), connections (three reports), valve malfunctions (five reports), and radiopacity (two reports). Sixteen MDR reports were received and classified under the MDR regulations as malfunctions (11 reports) and serious injuries (5 reports). No deaths were reported to date. The MDR reports are initial reports submitted over a period of 12 months following the effective date of the MDR regulations. The trend of both the DEN and MDR reports confirms the findings on the safety and performance of vascular grafts previously reported under the FDA classification proceedings data discussed above and FDA contract safety and performance study.

Invitation for Offers to Submit Existing Standards

In accordance with section 514(c)(1)(A) of the act and § 861.20(c), FDA invites any interested person, including any Federal agency, to submit by April 28, 1986, an existing standard as a proposed performance standard for the central nervous system fluid shunt and components. Any such person may also submit pertinent portions of an existing standard, including completed portions of any standard that is under development.

FDA has identified two voluntary standards that are applicable to the central nervous system fluid shunt and components: The American Society for Testing Materials (ASTM), ASTM F647–79, "Standard Practice for Evaluating and Specifying Implantable Shunt Assemblies for Neurosurgical Application" (Ref. 15); and the International Organization for Standardization (ISO), "Draft Proposal ISO/DP 7197, Implants for Surgery—Neurosurgical Implants—Shunt Assemblies" (Ref. 16).

ASTM F647–79 is intended to establish minimum requirements for the assurance of safety and effectiveness for implantable shunt assemblies. This voluntary standard establishes requirements for the evaluation and specification of implantable shunts relating to flow, direction of flow, materials, radiopacity, mechanical properties, finish, sterility, and labeling. Devices to which the standard is applicable include, but are not limited to, those that are: (1) Temporarily implanted to provide external drainage; or (2) permanently implanted to shunt cerebrospinal fluid from (a) a cerebral ventricle, (b) a cyst, (c) the subarachnoid space, or (d) the subdural space, to the peritoneal cavity, the venous circulation, or some other suitable internal delivery site. Although ASTM F647–79 includes a test method for the evaluation of pressure-flow characteristics of shunts or shunt components, it does not include specific pressure-flow requirements.

Draft proposed ISO/DP7197 is intended to provide definitions of terms pertaining to neurosurgical shunt assembly implants means of size designation, and the evaluation of shunt performance. This draft voluntary foreign standard includes, but is not limited to, devices that are: (1) Temporarily implanted to provide external drainage; or (2) permanently implanted to shunt cerebrospinal fluid from (a) a cerebral ventricle, or (b) the subarachnoid space, to the peritoneal cavity, the venous circulation or right atrium of the heart, an intracranial bypass, or some other suitable internal delivery site. According to this draft voluntary foreign standard, the components which, individually or in combination, comprise shunt assemblies are: inflow catheters, outflow catheters, connectors, reservoirs, antisyphon devices, valves, valved catheters, and other accessory devices. The draft standard includes provisions respecting definitions, type and size designations, materials, finish, freedom from extraneous matter, sterility, performance, packaging, instructions for use, and marking requirements and test methods.

The ASTM national and ISO international standards provide many useful and worthwhile concepts regarding the central nervous system fluid shunt and components, but the agency does not believe that these standards in their current forms would be acceptable as performance standards to assure the safety and effectiveness of the device. The reason for this finding is that the standards do not establish minimum, or reasonable, performance requirements for these devices or cover specific pressure-flow requirements pertaining to these devices. FDA advises, however, that all, or parts, of those existing standards may be submitted as a proposed performance standard because these standards contain relevant concepts that would be considered in the development of a standard for the central nervous system fluid shunt and components.

Section 861.24 sets forth the conditions under which FDA may accept an existing standard or a standard under development as a proposed performance standard. Accordingly, FDA advises that any such submission is to include the following:

1. A description of the procedures used to develop the standard and a list of persons and organizations that participated in, or in the event the standard is under development, to the extent that such information is available or reasonably obtainable;

2. An identification of the specific portions of the existing standard, or standard under development, that the person submitting the standard believes are appropriate for adoption as, or inclusion in, the proposed standard;

3. A summary of the test data and other information, including rationales, necessary to support each specific portion of the standard identified by the person submitting the standard. More detailed information may be requested concerning certain portions of the standard if FDA determines that the summary is inadequate.

In accordance with section 514(d)(2) of the act, if an existing standard or one that is under development is submitted to FDA in response to this notice and FDA does not accept the standard, the agency will publish a notice of that fact together with the reasons therefor. In accordance with § 861.24(b), if an existing standard or one that is under development is submitted to FDA in response to this notice and FDA accepts the standard, or accepts the standard with modification, as a proposed standard, the agency will publish a notice of that fact. FDA advises that in the latter event, it may publish the notice as a notice of proposed rulemaking to establish a performance standard under section 514(g) of the act and § 861.20(e)(1). FDA expects to make such determination and publish the

notice of its decision within 180 days after the close of the comment period on this notice.

Invitation for Offers to Develop Proposed Standards

In accordance with section 514(c)(1)(B) of the act and §§ 861.20(c) and 861.22, FDA invites any interested person, including any Federal agency, to offer by April 28, 1986 to develop a performance standard for the central nervous system fluid shunt and components, as described in this notice, to control the risks associated with the device.

Section 514(c)(3) of the act sets out certain criteria applicable to any offeror. Section 514(e)(3) of the act provides that if an offer is accepted, FDA may, upon application which may be made before the acceptance of the offer, agree to contribute to the offeror's cost in developing a proposed standard if FDA determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution. Therefore, in accordance with section 514(c)(3) and (e) of the act and § 861.26, FDA advises that any offer to develop a proposed performance standard is to include:

1. Information on the offeror's expertise and experience that qualifies the offeror to develop the standard.

2. Sufficient information on the offeror's financial stability to establish its capability to conduct adequate standards development either with or without contribution by FDA to the offeror's costs. Any request for contribution by FDA to the offeror's cost of developing the standard is to include:

(i) A list of the items of expense for which contribution is sought and the amount requested for each item;

(ii) A justification of each item of expense, including an explanation of how the contribution is likely to ensure development of a more satisfactory standard;

(iii) A statement that the offeror will employ an adequate accounting system (one in accordance with generally accepted accounting principles) to record the costs and expenditures allocable to development of the standard; and

(iv) A statement requesting an advance payment of funds, if necessary to enable the offeror to meet operating expenses during the development period.

3. Information relating to any potential conflicts of interest on the part of the offeror, its directors or officers, or any employees or consultants who may particpate in the development of the standard, including any financial interest in the particular device or in the device industry generally, current industrial or commercial affiliates of the offeror, current sources of financial support for research, and all business entities in which the offeror has a financial interest that may be relevant to the offeror's qualifications to develop a standard for the particular device.

4. Information regarding the offeror's compliance with Federal, State, and local environmental regulations.

5. A detailed description of the procedures the offeror intends to utilize in developing the standard.

6. A description of how the offeror intends to provide interested persons adequate and reasonable notice of their right and opportunity to participate in the development of the standard.

7. A description of the method whereby interested persons who respond to the notice may participate, either in person or through correspondence, in the development of the standard.

8. A statement describing the facilities or equipment the offeror intends to utilize in developing the standard, and how the offeror intends to gain access to them.

9. An estimate of the time required to develop the standard, including a detailed schedule for each phase of the procedure.

10. A description of the method the offeror intends to use or has used to acquire test data or other information needed to support the standard.

11. A description of the method the offeror intends to use to maintain records of the development of the standard and other relevant matters and to make such records available for disclosure during development, and a schedule for meeting the periodic reporting requirements of § 861.30(b).

FDA advises that under section 514(c)(3) of the act and § 861.26(b), information included in an offer to develop a proposed standard is to be made available to the public only if the offer is accepted (except for information exempt from disclosure under 21 CFR 20.61), or if disclosure is required under 21 CFR Part 20.

Time Period to Develop a Standard

FDA estimates the time period to develop a proposed standard and rationale for the central nervous system fluid shunt and its components will be 2 years. The 2-year period may be extended by the Commissioner for good cause shown.

Acceptance by FDA

As required by section 514(e)(1) of the act and § 861.28(a), in determining whether to accept an offer to develop a performance standard, FDA will evaluate the qualifications of the offeror on the basis of the offeror's expertise, experience, financial stability, and potential conflicts of interest. In choosing among competing offerors, the offeror without any financial interest in the particular device for which a proposed standard is sought or in the device industry generally will be preferred, all other things being equal. More than one offer, however, may be accepted.

As required by section 514(e)(2) of the act and § 861.28(c), FDA will publish in the **Federal Register** the name and address of each person whose offer to develop a standard is accepted and a summary of the terms of the accepted offer, including a statement of the extent to which FDA will contribute, if at all, to the cost of developing the proposed standard. As required by section 514(e)(5) of the act and § 861.28(d), if FDA does not accept an offer, the agency will publish in the **Federal Register** a notice of that fact and the reasons for its decision.

Future Actions

Following the expiration of the 60-day time period provided by this notice for interested persons to submit an existing standard or to develop a proposed standard, FDA will:

1. Authorize a Federal agency to develop a proposed performance standard if FDA determines that a performance standard can be developed by a Federal agency, based on the personnel, expertise, and resources of the agency; or

2. Accept an existing standard as a proposed performance standard or as a basis upon which a proposed performance standard may be developed provided FDA determines that such standard is based upon scientific data and information and has been subjected to adequate scientific consideration. An existing standard may be one that is submitted in response to the invitation for standards, or it may be a standard that has been issued or adopted (or is being developed) by any Federal agency or any other qualified entity; or

3. Accept one or more offers to develop a proposed standard; or

4. Proceed to develop a proposed standard; or

5. Take other appropriate action to facilitate development of a performance standard for the device.

The agency has determined under 21 CFR 25.24(e)(3) (April 26, 1985; 50 FR 16636) that this action is of a type that

does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In any notice of proposed rulemaking that includes a proposed performance standard for the central nervous system fluid shunt and components, FDA will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Until the provisions of any proposed standard are known, FDA cannot determine the economic consequences of the promulgation of such standard.

References

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Milhorat, H. H., "Hydrocephalus and the Cerebrospinal Fluid," Williams and Wilkins Co., Baltimore, pp. 177–223, 1972.

2. Igneizi, R. J., and W. M. Kirsch, "Follow-up Analysis of Ventriculoperitoneal and Ventriculoatrial Shunts for Hydrocephalus," *Journal of Neurosurgery*, 42:679–682, 1975.

3. Hougen, T. J., et al., "Pulmonary Valvular Dysfunction in Children with Ventriculorenous Shunts for Hydrocephalus; A Previously Unreported Complication," *Pediatrics*, 55:836–841, 1975.

4. McKensie, S. A., and K. Hyden, "Two Cases of Shunt Nephritis, "*Pediatrics*, 54:806–808, 1974.

5. Becker, D. P., and F. E. Nulsen, "Control of Hydrocephalus by Valve-Regulated Venous Shunt: Avoidance of Complications in Prolonged Shunt Maintenance," *Journal of Neurosurgery*, 28:215–225, 1968.

6. Parry, S. W., et al., "Abdominal Pseudocysts and Ascites Formation After Ventriculoperitoneal Shunt Procedures," *Journal of Neurosurgery*, 43:476–479, 1975.

7. Sugar, O., and O. T. Bailey, "Subcutaneous Reaction to Silicone in Ventriculoperitoneal Shunts," *Journal of Neurosurgery*, 41:367–371, 1974.

8. Grosfield, J. L., et al., "Intraabdominal Complications Following Ventriculoperitoneal Shunt Procedures," *Pediatrics*, 54:791–795, 1974.

9. Robertson, J. S., et al., "Ventriculoperitoneal Shunting for Hydrocephalus," *British Medical Journal*, 2:289–292, 1973.

10. Hoffman, H. S., et al., "New Lumboperitoneal Shunt for Communicating Hydrocephalus," *Journal of Neurosurgery*, 44:258–261, 1976.

11. Eisenberg, H. M., et al., "Lumboperitoneal Shunts: A Review of 34 Cases," *Journal of Neurosurgery*, 35:427–431, 1971.

12. Kushner, J., et al., "Kyphoscolliosis Following Lumbar Subarachnoid Shunts," *Journal of Neurosurgery*, 34:733–791, 1971.

13. Watts, C., et al., "An Investigation of Cerebrospinal Fluid Shunt Valves," USPH FDA 223–79–5064, Phases I, II, and III, August 31, 1982, University of Missouri.

14. Daniels, U. A., N. H. Price, and W. E. Cosgrove, Neurosurgical Implant Literature Search, Final Report, FDA BMDDP–77/2, July 12, 1976.

15. ASTM F647–79, "Standard Practice for Evaluating and Specifying Implantable Shunt Assemblies for Neurosurgical Application," ASTM Committee F–4 on Medical and Surgical Materials and Devices, published by the American Society for Testing Materials, 1916 Race St., Philadelphia, 1979.

16. "Draft Proposal ISO/DP 7197, Implants for Surgery—Neurosurgical Implants—Shunt Assemblies," ISO/Technical Committee ISO/Subcommittee 3, published by International Organization for Standardization, 1 Rue de Varembe, CH–1211 Geneva 20, Switzerland.

Interested persons may, on or before April 28, 1986, submit to the Dockets Management Branch (address above) an existing standard or an offer to develop a standard for the central nervous system fluid shunt and components. Two copies of any standards or offers are to be submitted. Submissions are to be identified with the docket number found in brackets in the heading of this document. Received submissions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 3, 1986.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–4083 Filed 2–25–86; 8:45 am]

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federal register

Wednesday
February 26, 1986

Part III

Department of Transportation

Office of Commercial Space Transportation

14 CFR Ch. III

Commercial Space Transportation; Licensing Regulations; Interim Final Rule and Request for Comments

DEPARTMENT OF TRANSPORTATION

Office of Commercial Space Transportation

14 CFR Ch. III

[Docket No. 43810]

Commercial Space Transportation; Licensing Regulations

AGENCY: Office of Commercial Space Transportation, DOT.

ACTION: Interim final rule and request for comments.

SUMMARY: This interim final rule amends Title 14, Code of Federal Regulations, by adding a new Chapter III that sets forth the regulations governing commercial space transportation. The Commercial Space Launch Act of 1984, Pub. L. 98–575 (the Act) authorizes the Secretary of Transportation (the Secretary) to oversee and coordinate commercial launch activities. The Secretary's mandate embraces the authority to license and otherwise regulate such activities, consistent with public health and safety, the safety of property, and the national security and foreign policy interests of the United States, as well as the responsibility to exercise this authority in a manner that encourages, facilitates and promotes a commercial space transportation industry. The Department of Transportation (the Department) is currently implementing its authority in this area through a policy statement published by the Office of Commercial Space Transportation (the Office) on February 25, 1985. Recognizing the need for detailed regulatory guidance upon which prospective applicants can immediately rely, the Office is replacing that policy statement with new regulations. The regulations establish general procedures for the Office, set forth policies and procedures for licensing commercial launch activities, and prescribe general standards and information requirements for launch license applications. Taken together, these provisions constitute the Office's administrative framework for ensuring safe and responsible commercial launch activities and eliminating regulatory obstacles to the development of private launch and launch support services.

DATES: This interim rule becomes effective February 26, 1986. The Office is interested in receiving comments, which should be received by April 28, 1986.

ADDRESS: Comments should be submitted to the Documentary Services Division, Attention: Docket Section/C–55, Room 4107, Docket Number 43810, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

Comments received will be available for examination at the above address, between 9:00 a.m. and 5:00 p.m., E.t., Monday through Friday, except Federal holidays. Receipt of comments will be acknowledged only if a self-addressed, stamped postcard is included with the comment. All written comments received on or before the comment period closes will be considered before these rules are made final.

FOR FURTHER INFORMATION CONTACT: Gerald Musarra, Office of the General Counsel, U.S. Department of Transportation, 400 Seventh Street SW., Room 10424, Washington, DC 20590, (202) 426–4723.

SUPPLEMENTARY INFORMATION:

Background

Section 7 of the Commercial Space Launch Act grants the Secretary authority to license commercial launch activities. Section 9 authorizes the Secretary to prescribe the form and manner for license applications and to establish procedures and timetables that will expedite the review of applications and reduce applicants' regulatory burdens. These statutory provisions are presently being implemented by a policy statement published February 25, 1985, by the Office of Commercial Space Transportation. Intended as interim guidance for license applicants, the policy statement outlined the contours of the regulatory framework developed by the Office to accommodate the broadest range of proposals for private launch activities and to safeguard important national interests associated with those activities. These interests are stated explicitly in the Act: public health and safety, the safety of property, national security interests and foreign policy interests of the United States. The licensing process described in the policy statement addressed these concerns through two reviews, Launch Safety Review and Mission Review. Additionally, the policy statement provided for streamlined inter-agency consultation procedures that would assure fast, well-defined reviews by those Federal agencies with expertise or authority relating to a proposed launch activity.

The Office provided the public with an opportunity to comment on the policy statement and, in developing the interim rule, carefully considered the comments received. The interim rule represents a more detailed and refined treatment of the licensing concepts first introduced in the policy statement and reflects the Office's greater practical experience with licensing issues.

Because comments were taken on the policy statement and because prospective applicants need to have more specific guidance in effect, the Office has determined that notice and further comment prior to issuing these regulations is unnecessary and impracticable. However, comments are invited on these regulations and the Office will make necessary and appropriate changes to the regulations in light of comments received.

Comments on the Policy Statement

The Office received 22 comments on the policy statement. Of this total, 14 were submitted by private individuals, three from launch companies, two from trade associations, one from a rocket motor manufacturer, one from a Federal agency and one from a trade newsletter. In addition, by letter dated April 4, 1985, the Chairman of the Advisory Committee on Commercial Space Transportation transmitted to the Secretary the following recommendation adopted during a meeting of the Committee held on March 26, 1985: "Recognizing that each member of the Committee can submit comments on the "Notice of Policy and Request for Comments" on the "Licensing Policy for Commercial Space Activities," the Committee as a whole supports the thrust and direction of the policy and recommends that it be adopted by DOT."

Mission Review

A significant number of commenters (19) expressed concerns about Mission Review. Some suggested that, to the extent the Federal Government's interest in the nature of private launches and payloads arises from U.S. ratification of multilateral space treaties (in particular, the Outer Space Treaty, 18 U.S.T. 2410, 610 U.N.T.S. 205, and the Liability Convention, 24 U.S.T. 2389), such ratification was unwise and those treaties should be "scrapped." Still others argued that the sole purpose of these treaties is to establish responsibility and accountability for space activities and for possible damages resulting from those activities. These comments contended that responsibility/accountability and liability for damages are purely safety concerns. As such, according to these respondents, they provide no basis for any Federal interest in the mission review factors specified in the Notice. Safety concerns, they maintained, could be more than adequately addressed in the context of Launch Safety Review.

Other objections to Mission Review were directed more to the provisions of the Act itself. These comments asserted that the Act fails to define precisely what is meant by the recurring phrase "national security interests and foreign policy interests." One commenter expressed concern that uncertainties created by undefined references to national security and foreign policy interests could have a substantially chilling effect upon the exercise of protected First Amendment rights. That is, news media organizations seeking to place satellites in orbit or to lease transponder capacity might be deterred due to this concern. Specifically, such uncertainties could thwart efforts to secure commitment of the substantial amounts of investment capital needed for the launch activities associated with such undertakings. Thus, this legislative vagueness could indirectly deter the exercise of constitutionally protected activities involving news gathering and distribution. In this context, the commenter asserted, Mission Review could ultimately become a vehicle for effecting prior restraint on free speech.

The Department of Transportation can unilaterally identify in advance only general examples of U.S. foreign policy or national security interests relevant to commercial space launch activities.

The Act expressly commits to the Departments of State and Defense, respectively, responsibility for defining such interests in the context of individual license applications and for informing the Secretary of Transportation of their significance. It is not intended or anticipated that national security or foreign policy interests would be casually invoked by these agencies as a reason for preventing a launch.

Two commenters expressed concern about the process, mandated by the Act, whereby other Federal agencies are consulted on aspects of individual license applications. They expressed some apprehension that these consultations might not occur in good faith and that they may provide a means by which agencies conducting their own commercial space activities could protect their competitive interests.

Given its charter to foster a healthy environment for commercial growth, the Office intends to ensure that Mission Review affords no such opportunity. The Office is directed by the Act to utilize the expertise of other agencies where appropriate. The Act specifically mandates only two specific consultations, the State Department's role in issues affecting foreign policy and the Defense Department's role in matters of national security. Other consultations are left to the discretion of the Office, as it deems appropriate or necessary. These could include assistance requested of the Federal Communications Commission regarding a foreign telecommunications satellite or of the National Aeronautics and Space Administration concerning a proposed mission's effect on existing spacecraft. Mission Review is designed expressly to prevent the interagency review process from becoming an unbridled opportunity for agencies to judge, in areas beyond their particular competence, whether proposed launch activities conflict with national interests.

One commenter suggested that the Office's jurisdiction to weigh national security and foreign policy interests in connection with private space launches does not encompass factors associated with the operations of a payload to be launched. This interpretation is grounded in the language of the Act which gives the Office authority for the launch of a payload but is silent on matters relating to the operation of a payload in orbit. This commenter suggested that the Office's regulatory procedures focus only on the national security and foreign policy implications attending the proposed launch of a payload and not on the payload's operation in orbit.

We question this interpretation, both as a matter of law and in terms of its practical effect. The Act gives the Office authority to determine whether the launch of a payload is inimical to the national interests specified in the Act and does not exclude any relevant factor from the Office's consideration. Thus, the Office will exercise its authority by determining whether any circumstances exist under which the proposed launch of a payload would jeopardize national interests.

Two other commenters who objected to specific aspects of Mission Review expressed concern that it constitutes a requirement for a separate review of each payload in routine launches. Again, this is not the purpose of the review nor do we believe it will have this effect. The Office will make this activity routine to the maximum extent possible. Mission Review focuses chiefly upon aspects of launch proposals not previously considered in the licensing process. Its aim is to provide regulatory certainty for both license applicants and agencies.

Moreover, Mission Review is designed as a means for enabling prospective applicants to ascertain, in the initial stages of commercial planning, whether any problems might exist for a new payload concept. As such, the procedure for obtaining payload determinations or actual approvals for a launch license is designed expressly to avoid situations in which significant capital might be committed to launch proposals which ultimately cannot be implemented. The procedure encourages early consultation with the Office to identify problems with a launch proposal and to thereby avoid any negative investment consequences. One commenter articulated a concern that, if applied to each payload, Mission Review could have an especially devastating effect upon the development of reusable commercial launch vehicles, especially those whose primary payloads may consist of propellants, materials, and components used to support ongoing activities in space (such as space stations). We agree. The growth of commercial airlines, trucking companies or railroads would have been hindered if every item of cargo required Federal approval. Again, Mission Review will not interfere with routine space activities which do not adversely affect the national interests specified in the Act.

Vehicle Reliability

One commenter raised questions regarding vehicle reliability, vehicle and payload hardening, and certification. The concept of vehicle certification and its relationship to public safety was addressed by the Senior Interagency Group/Space Working Group tasked with developing the assignment of a "lead agency" for commercial launch industry promotion and regulation, and subsequently by the Department as part of its development of the licensing process. Both efforts concluded that for the present, public safety with unmanned launch vehicles was best addressed by continuing the current practice of ensuring that adequate safety resources and procedures are in place to protect the public in the event of any unexpected vehicle failure. At the same time, the Office is initiating a major research effort directed toward identifying appropriate safety standards for launch activities where the United States Government may be neither range operator nor mission sponsor. Should this research identify other effective, less burdensome alternatives to protecting public safety, such alternative approaches will be given appropriate consideration.

Consultation

One commenter expressed concern that the discussion in the policy statement of interagency coordination of license applications seemed to indicate that the Secretary of Transportation has the final determination in those cases

where the Act's consultation requirements fail to produce agreement. This commenter noted that the only section of the Act in which Congress made its intent clear in this regard involves the Secretary's ultimate authority under section 8(a) to establish the regulatory framework for commercial launch licensing. According to this commenter, the accompanying report, however, rather than the Act itself, clarifies Congress' intentions vis-a-vis section 8(a).

The Office believes this issue is more hypothetical than real. The Office works closely with the Defense and State Departments on all matters involving licensing of non-governmental space launch activities. No action by the Secretary of Transportation would derogate in any way from the Secretary of State's authority in matters involving foreign policy or from the Secretary of Defense's in matters involving national security. In the unlikely event of a genuinely irreconcilable disagreement between the Department and either of these agencies, the issue would be resolved in the same manner as any such matter is handled (including interagency disagreements over matters *not* subject to statutory consultation requirements): Through appropriate discussions within the Executive Branch.

International Agreements

Two commenters suggested that the policy statement may have failed to reference all of the international agreements to which the U.S. is party that cover space activities. These commenters suggested that consideration of U.S. international obligations should be a more prominent requirement for a launch license. The statement about U.S. treaty obligations in the policy statement was intended to illustrate the independent bases, beyond the requirements of the Act, for significant Federal interests in space launch activities by private citizens and by others for whom the U.S. has accepted responsibility. This statement was not intended as an exhaustive inventory of all such obligations. The Office recognizes that it and other Federal agencies have additional international responsibilities for space transportation, including compliance with procedures for registration of privately launched U.S. space objects. As legal authorities have repeatedly noted, however, the precise meaning of provisions in several of the treaties is unclear. As a result, a comprehensive list of all provisions of international law and treaty obligations which may apply to specific factual circumstances involving space activities by non-governmental entities cannot be compiled at this time. Thus, the regulations refer to international obligations in general.

Section-by-Section Analysis

Part 400—Basis and Scope

Section 400.1 indicates that the commercial space transportation regulations reflect both the Federal Government's domestic responsibilities for commercial launch activities and the Federal Government's international obligations, particularly its obligation under Article VI of the 1967 Outer Space Treaty to provide authorization and continuing supervision for such activities.

Section 400.2 stipulates that these regulations are intended to guide all United States launch activities except amateur rocket activities and the launch activities of the United States Government.

As stated in the initial policy statement on licensing, the Office's policies and procedures have been developed for the private commercial launch activities that are currently being proposed, but, consistent with the legislative history of the Act, provide adequate supervision for any other non-governmental launch activities as well. Thus, the launch activities falling within the scope of the Office's licensing and regulatory authority may include activities conducted for profit as well as those conducted for experimental or research purposes, or for any other purpose without an apparent profit motive. However, neither the Act nor its legislative history evinces an intention to require licenses for amatuer rocket launches, which number annually in the millions, and it is doubtful that such intention can be inferred. Further, these activities are currently subject to state and local regulation, self-regulation by the organizations sponsoring these activities, and Federal airspace requirements. In the Office's view, existing guidelines and requirements are adequate for protecting public safety, as well as any other national interests that may be associated with these activities. The Office requests comments specifically addressing this subject.

Part 401—Organization and Definitions

Section 401.1 identifies the operating unit within the Department with primary responsibility for implementing the Department's authority under the Act, the Office of Commercial Space Transportation. Section 401.3 identifies the Director of Commercial Space Transportation as the official within the Department to whom the Secretary's authority for commercial space transportation has been delegated.

Section 401.5 contains definitions of the major terms used in the regulations. The definitions of "launch" and "operation of a launch site" are intended to convey the complementary, but nevertheless distinct, nature of these two activities. A launch centers on the placement, or attempted placement, of a specified launch vehicle and/or its payload in a suborbital trajectory or in space. A launch license authorizes a launch to be conducted in order to achieve certain mission obectives. The license holder is legally responsible for the proper conduct of such a launch. Although a launch license would seem to be oriented toward singular events, one license could cover a specified series of launches where the same safety resources will support several identical or similar missions.

In contrast, the operation of a launch site involves continuing operations at a permanent location. A license covering such operations authorizes a person to operate a launch range facility and to offer approved services to launch companies for compensation or hire.

Part 404—Regulations and Licensing Requirements

The Commercial Space Launch Act establishes the regulatory framework for commercial launch activities. Section 9(b) of the Act directs the Office to issue a license once it has determined that an applicant meets the requirements for a license identified in section 8(a)(1) of the Act. These include requirements currently applied by Federal agencies to launch activities. If, however, the Office determines, in consultation with the appropriate agencies, that any such Federal requirement is not needed to protect public safety, the safety of property or the national security and foreign policy interests of the United States, then section 8(a)(2) permits the Office to eliminate that particular requirement as a requirement for a license. Moreover, section 8(b) authorizes the Office to prescribe new requirements specifically for commercial launch activities. Together these provisions confer broad authority upon the Office to craft the simplified regulatory framework intended by the Act.

If the Office wishes to either eliminate an existing Federal requirement or prescribe new ones in order to implement the provisions of the Act, a rulemaking must be conducted that would involve notice to and comment by the public. Part 404 of the regulations

sets out the procedures the Office will follow in conducting rulemaking proceedings and explains how interested parties may participate.

Section 8(c) of the Act gives the Office discretionary authority to waive a licensing requirement for a license applicant if that waiver would be in the public interest and would not jeopardize public health and safety, safety of property, or any national security or foreign policy interest of the United States. Part 404 also establishes procedures for waiver requests by individual applicants.

With regard to existing Federal requirements, the Office has determined that the only provisions with direct applicability to private launches are those of Part 101, Subpart C, of the Federal Aviation Regulations, 14 CFR 101.21–101.25, regulating all unmanned rocket activities. The Office of Commercial Space Transportation and the Federal Aviation Administration have agreed that, henceforth, requirements pertaining to the use of domestic United States airspace for commercial launch purposes will be handled by the Office as an intradepartmental matter on behalf of licensees.

It should be noted that the Office's safety authority extends to protecting workers at commercial launch sites. For the present, however, the Office will not prescribe any standards or requirements for worker safety in the context of licensed launch activities. Instead, the appropriate requirements of the Department of Labor's Occupational Safety and Health Administration will apply to privately conducted launch activities unless the Office determines that direct exercise of its safety authority in this area is appropriate. The Office requests comments specifically addressing the desirability of any future exercise of its safety authority in this area.

Part 405—Investigations and Enforcement

The Office will rely on the provisions of Part 405 to ensure compliance with the terms and conditions of licenses. Section 405.1 requires licensees to cooperate with anyone acting on behalf of the Office to monitor licensed activities or payload-related activities which are covered by section 6(b)(2) of the Act. Monitoring will be conducted in the least intrusive manner possible and only for the purpose of determining whether such activities conform to applicable requirements.

Section 405.3 deals with the modification, suspension or revocation of licenses. The Office may modify a license either on its own initiative or pursuant to a request by the licensee. All modifications must conform to the same standards, identified in the Act, that apply to initial licenses.

Paragraph (b) of § 405.3 indicates that an act of noncompliance with any requirement applicable to a licensed activity is grounds for suspension or revocation of a license. Moreover, § 405.5 provides for emergency orders to halt any launch activity detrimental to national interests, and § 405.7 provides that acts of noncompliance may be punishable by civil penalties.

With regard to the Director's emergency order authority, which is explicitly mandated by section 11 of the Act, the Office is aware of the concern, expressed through the Commercial Space Transportation Advisory Committee, associated with the exercise of this authority. One of the Office's major goals has been to encourage and promote the industry through carefully considered policies and procedures designed to eliminate, wherever possible, regulatory uncertainties. Thus, the Office wishes to emphasize that it views the exercise of this authority as an extraordinary measure to be relied upon in truly emergency circumstances.

Part 406—Administrative Review

Part 406 describes the Office's procedures for implementing the Act's administrative review provisions. Section 12 of the Act requires that an opportunity for a hearing be accorded persons seeking reconsideration of certain decisions concerning activities within the Office's responsibility. Specifically, persons who have applied for a license may challenge a decision not to issue a license or challenge the conditions attached to a license that has been granted. In addition, a person holding a license may dispute a decision to modify, suspend or revoke that license or to issue an emergency order. Similarly, a payload operator or owner may request a review of the facts or issues pertaining to a payload whose launch the Office has decided to prevent, as may a person against whom the Office has assessed a civil penalty. In these circumstances the Office will, if so requested, provide an opportunity for an impartial hearing on the matter at issue. Part 406 sets out the procedures governing the initiation and conduct of such proceedings.

Part 411—Policy

Part 411 establishes the policies of the Office of Commercial Space Transportation for licensing commercial launch activities, including launches, launch site operations, or some combination of the two activities. These policies augment the general application procedures set out in Part 413 of the regulations and the launch license review procedures contained in Part 415 of the regulations.

Section 411.3 identifies the two reviews, Safety Review and Mission Review, through which the Office will evaluate license requests for proposed unmanned launches. Requests for licenses authorizing manned launches may involve issues that require reviews different from or in addition to these two reviews. Although the Office will be responsive to license requests for manned launches, specific implementation of its authority in this area will be addressed in a future rulemaking.

It should be noted that the policy statement under which the Office is currently operating refers to "Launch Safety Review." The Office has decided to use instead the term "Safety Review" in order to avoid confusion with the launch safety approval that must be obtained by the vehicle operator from the appropriate range operator prior to launch.

In order to accord the industry both flexibility and certainty in the course of developing commercial launch proposals, the Office may conduct Safety Review and Mission Review independent of each other and in the order, sequential or concurrent, appropriate to the applicant's needs. For example, an applicant may secure approval for a proposed mission early in the planning stages of a launch activity and apply later for approval of the safety operations proposed to support an actual launch. The record upon which to base licensing decisions thereby can be developed in a manner that responds to the planning needs of applicants.

Section 411.3 also discusses requests for licenses authorizing the operation of commercial launch sites. Although such licenses are mandated by the Act, the interim rule was not specifically developed for implementing the Office's authority in that area. Devising an appropriate regulatory framework for commercial launch site operations involves careful consideration of a range of issues, particularly those relating to requirements or standards for implementing the Office's safety authority. The Office has begun investigating these issues and will initiate a separate rulemaking on this subject early in 1986.

At the same time, the Office has received a number of inquiries and expressions of interest in commercial

launch site operations and wishes to be responsive to any proposals that might be submitted in the near future. In order to do so, the Office will rely on its review process, discussed below, for evaluating the safety operations of launch license applicants as an appropriate framework for beginning to assess commercial launch site proposals.

Section 411.5 addresses safety approval. Safety Review is technical in nature and focuses only on an applicant's proposed safety operations. At present, there are no published safety standards or requirements applicable to safety operations conducted at sites other than Federal launch ranges. Therefore, pending completion of efforts to develop these standards or requirements, the Office will make case by case determinations regarding proposed safety operations conducted by commercial firms at non-government sites using all available resources including those of other Federal agencies.

Section 411.7 discusses mission approval. In the course of Mission Review the Office will assess the proposed launch from the standpoint of both the national interests and international obligations of the United States. The review will encompass such factors as the nature and purpose of the proposed payload, the impact of the payload on existing uses of space, and the proposed flight plan.

With specific regard to national security and foreign policy interests, the Office is required to consult with the Departments of Defense and State, the Executive Branch agencies with primary responsibility for safeguarding U.S. national security and foreign policy interests, respectively. The Office must ensure that these agencies are apprised of potential commercial launch activities in order that their views may be taken into account. However, the Office wishes to emphasize that, as a general matter, Congress has declared privately conducted commercial launches to be consistent with the national security and foreign policy interests of the United States. The Office also recognizes that the commercial viability of providing such services on a routine basis requires that review of proposed missions not be encumbered by unnecessary process. Therefore, the Office will not seek to determine *de novo* that each launch proposal is consistent with United States interests. Approval will be granted unless there is clear evidence that some aspect of a mission poses a distinct threat to national security or foreign policy interests.

The mission of most proposed orbital launches will be to place payloads in space; thus, the most significant part of Mission Review pertains to the payload to be launched. The Commercial Space Launch Act defines the Office's responsibility for payloads in the context of a licensed commercial launch activity: First, the Office is directed by section 6(b)(1) of the Act to determine whether any license, authorization, or permit required by Federal law has been obtained for the payload to be launched. For such payloads, the Office will not duplicate any review conducted by the agency with primary authority for addressing the Federal interests associated with a given class of payloads. This includes reviews by the Federal Communications Commission for telecommunications satellites, the Department of Commerce for remote-sensing satellites, and other Federal agencies for their own payloads.

Second, section 6(b)(2) of the Act provides the Office an effective mechanism for addressing issues pertaining to new payload classes not covered by existing Federal regulation. The Office is authorized to determine whether the launch of such payloads would jeopardize public safety, the safety of property, or any national security or foreign policy interest. If necessary, the Office may act to prevent the launch of the payload in question. The Office has carefully molded its policies and procedures in this area so that these Federal interests are not served at the unnecessary expense of commercial space enterprise. Thus, the Office will exercise its authority under section 6(b)(2) in a manner that minimizes regulatory uncertainties for those planning or sponsoring new space applications.

Section 411.9 discusses the information the Office will require applicants to submit in order to initiate the review of applications. The Office's approach to this information corresponds to its goal of fostering reliable, low-cost space transportation services. Commercial firms may develop new approaches to the design of launch vehicles, the delivery of launch services, or the location and organization of launch operations. Thus, the information requirements have been intentionally organized into general categories that identify the basic information needed to initiate a license application review. Although all the requested data must be provided for an application to be considered complete, the Office has not prescribed any particular format for submitting it. Submissions may reflect the structure or organization of launch operations as determined by the applicant. The Office is particularly interested in receiving comments that address both the form and content of the information requirements.

Part 413—Applications

Part 413 sets out general license application procedures. These procedures apply to all commercial launch activities, regardless of whether an applicant seeks a license to launch a vehicle, operate a launch site, or for a combination of the two. The application procedures in Part 413 are supplemented by the provisions of Part 415, which contains a detailed description of the review procedures and information requirements for launch license applications. A separate part has been reserved for future regulations addressing applications for licenses authorizing launch site operations.

Since the nature of a proposed launch activity affects the timing and scope of the Office's review, as well as the degree to which other Federal agencies will be involved, section 413.3 encourages prospective applicants to initiate preapplication consultations with the Office of Commercial Space Transportation.

Section 413.9 outlines the process for reviewing all applications. Section 413.9(a) states that applications should contain information that the Director of Commercial Space Transportation has prescribed for the type of application being submitted. For applications pertaining to launch licenses, the required information is set forth in Part 415. The Office views this information as basic to any proposed launch activity; in many cases, it may constitute virtually all the information needed to evaluate the application. To the extent that the Office requests additional information, it will be for novel, unconventional or unfamiliar launch or payload elements.

Section 413.9(b) states that an application is accepted for review by the Director if it is substantially complete, that is, if it contains sufficient information to make such review meaningful. Once an application is accepted for review, § 413.9(d) indicates that the Director will initiate an appropriate interagency review. The Office, not the applicant, will assume the burden of shepherding the application through the review process. Additionally, the reference in § 413.9(d) to an "appropriate" review is intended to make clear that the administrative response to an application may not be standard or uniform in all circumstances; the Office has taken

great care to insure that each review is tailored to the application's particular characteristics. In this fashion, the Office intends to avoid any unnecessary regulatory stumbling blocks to proposed launch activities.

Part 413 does not provide for a fee to cover all or part of the costs involved in processing an application. However, the Office has not developed a final position regarding license fees. Comments are requested specifically addressing this subject.

Section 413.9(e) indicates that a determination on a license application will be made within 180 days of receipt. As a matter of policy, however, the Office intends to conduct all application reviews on a expedited basis and anticipates that most determinations will be made well before this statutory deadline.

All licenses issued will contain terms defining the activity authorized by the license and the person responsible for conducting that activity. In addition, conditions will be incorporated into all licenses to ensure compliance with statutory and regulatory requirements. Section 413.15 addresses certain standard conditions, including the need for an on-site mechanisum to verify that the licensed activity conforms to information that was submitted to and reviewed by the Office during the application review process.

The Act preserves the existing authority of Federal agencies with primary responsibility for payload regulation. At present, two Federal agencies, the Federal Communications Commission and the Department of Commerce, are the exclusive licensing authorities for telecommunications satellites and remote sensing satellites, respectively. Section 413.17 indicates that a license for the launch activity is separate from the license for the satellite itself, and thus, in these two instances, has no effect on the exclusive authority of the Federal Communications Commission and the Department of Commerce to issue licenses for such a satellite.

Section 413.19 establishes the applicant's responsibility for the continuing accuracy of information submitted as part of an application review.

Part 415—Launch Licenses

Part 415 establishes procedures for reviewing launch license applications and the general standards for approving such applications. The provisions of this part apply only to prospective launch license applications and should be read together with the general application procedures in Part 413. A future regulatory proposal addressing commercial launch site operations will establish procedures and standards specifically for license applicants seeking authorization for that activity in a separate part.

Section 415.3 identifies the proposed launch activities that will require a launch license. Any person proposing to launch from U.S. territory must obtain a license authorizing the launch. A U.S. citizen proposing to launch from any site, whether inside or outside U.S. territory, must also obtain such a license.

Section 415.5 identifies the two approvals that must be secured in order for a launch license to be issued: safety approval and mission approval. Safety Review and Mission Review are conducted to determine whether these approvals can, in fact, be given. Once secured, no other approval is required from the Office in order for an applicant to be granted a license for an unmanned launch.

The Office will accept applications for Safety Review, Mission Review, or for a determination that the launch of a payload covered by section 6(b)(2) of the Act will not be prevented, independent of one another and before submission of an application for a license. Section 415.7 makes clear that any approval or determination made on such applications will be made part of a licensing record. Thus, when an applicant does apply for a launch license, any approval or determination previously made that relates to the activity for which a license is sought remains valid. The Office will not duplicate a relevant review as long as no significant or substantial changes have been made in matters previously reviewed and approved.

Section 415.9 identifies standard conditions for launch licenses. One of these is purchasing third-party liability insurance coverage. The Office requested comments on third party liability issues in an Advance Notice of Proposed Rulemaking published May 7, 1985.

Subpart B of Part 415 focuses on Safety Review. Section 415.13 identifies the major elements of Safety Review: the proposed launch site, procedures, personnel and equipment. Section 415.15 notifies applicants that Safety Review can be requested either as part of the license request or before a license request is submitted. This provision responds to the need some prospective licensees may have for explicit approval of their safety operations at an early planning stage.

Section 415.17 identifies the information required for a Safety Review. It should be noted that launches from approved sites will be treated differently from those occurring at other sites. Approved sites include both Federal launch ranges and commercial sites operated under the authority of a license issued by the Office. At the present time, however, no licensees are authorized to operate a commercial launch site.

The information requirements for applicants proposing to launch from a site that has not been previously approved by the Office are considerably more detailed. In consultation with other Federal agencies, the Office has attempted to identify the components of safe launch operations for such applicants.

Subpart C of Part 415 focuses on Mission Review. Section 415.23 states that for Mission Review, as for Safety Review, applicants may request approval either as part of a license request or before such a request is made. With regard to required information, the nature of the proposed mission will, once again, affect both the nature and the quantity of information needed by the Office to conduct its review. For proposals which involve licensed payloads, the payload requirements of Mission Review will be satisfied by the issuance of a license by the responsible Federal agency. Proposals involving unlicensed or foreign payloads must be accompanied by more extensive information reflecting the more extensive review such payloads must receive from the Office.

Subpart D of Part 415 identifies circumstances wherein applicants may be required to submit information to the Office as part of Safety Review, Mission Review, or both, in order to satisfy the requirements of the National Environmental Policy Act. This information will be needed when some element of a proposal is not covered or addressed by existing environmental documentation on the effects of launch activities.

Executive Order 12291, Regulatory Flexibility Act, and Paperwork Reduction Act

The interim regulations were evaluated under Executive Order 12291, "Federal Regulation," dated February 17, 1981, and the Department of Transportation's Regulatory Policies and Procedures, dated February 26, 1979. The regulations are not considered to be "major," as defined by E.O. 12291, because they will not have an annual cost impact exceeding $100 million; they will not cause a major increase in costs or prices for consumers, individual

industries, government agencies, or regions; and they will not have a significant adverse impact on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The regulations are considered to be "significant" as defined by the Department's Regulatory Policies and Procedures because of the novelty of space transportation as a private sector activity, the interest of the public and other Federal agencies, and the effect of the regulations on the competitive position of United States launch firms. The Office has prepared a Regulatory Evaluation to accompany these regulations which is available for public review and comment in the rulemaking docket.

The regulations are largely procedural in nature and are intended to eliminate regulatory obstacles to private launch firms, large or small. Small entities are likely to be involved in launch activities and, as a consequence, affected by the regulations. The regulations do not impose significant economic costs on them, however, and the economic benefits associated with the regulations are minimal. Therefore, it is certified that the regulations will not have a significant economic impact on a substantial number of small entities.

The regulations include information requirements that must be reviewed and approved by the Office of Management and Budget. Comments on the information requirements should be directed to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of Transportation, Office of Commercial Space Transportation.

National Environmental Policy Act

The Office has completed an environmental assessment of the commercial space transportation program. This programmatic assessment has not identified any significant impacts that the conduct of commercial launch activities would have on the human environment. However, certain factors associated with individual launch proposals were not addressed in the assessment and may require further review during the licensing process. These include use of new propellants, new site development, or environmental effects associated with some payloads in the event of a launch accident. The assessment is available for public inspection and the public is invited to comment on it. The assessment and any comments received may be inspected in the Documentary Services Division, Room 4107, Department of Transportation, 400 Seventh Street SW., Washington, DC, from 9:00 a.m. to 5:00 p.m. ET, Monday through Friday except Federal holidays. Copies of the assessment may be requested from: Office of Commercial Space Transportation, S–50, Washington, DC 20590. Comments will be accepted until March 28, 1986, and may be sent to: Documentary Services Division, Attention: Docket Section, Docket No. 43810, Department of Transportation, C–55, Washington, DC 20590.

List of Subjects in 14 CFR Ch. III

Administrative practice and procedure, Space transportation and exploration.

Accordingly, Title 14, Code of Federal Regulations is amended to add a new Chapter III, to read as set forth below.

(Commercial Space Launch Act of 1984, Pub. L. 98–575, October 30, 1984)

Issued in Washington, DC on February 19, 1986.

Madeline Johnson,

Director, Office of Commercial Space Transportation.

CHAPTER III—OFFICE OF COMMERCIAL SPACE TRANSPORTATION, DEPARTMENT OF TRANSPORTATION (PARTS 400–499)

SUBCHAPTER A—GENERAL

Part
400 Basis and Scope.
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404 Regulations and Licensing Requirements.
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SUBCHAPTER A—GENERAL

PART 400—BASIS AND SCOPE

Sec.
400.1 Basis.
400.2 Scope.

Authority: Secs. 3, 6, 13 and 21, Pub. L. 98–575 (49 U.S.C. App. 2601 note).

§ 400.1 Basis.

The basis for the regulations in this chapter is the Commercial Space Launch Act of 1984, and applicable treaties and international agreements to which the United States is party.

§ 400.2 Scope.

These regulations set forth the procedures and requirements applicable to the authorization and supervision of all space launch activities conducted from United States territory or by United States citizens. The regulations in this chapter do not apply to amateur rocket activities, or to United States Government ranges, launches, payloads carried by such launches, or to United States Government payloads.

PART 401—ORGANIZATION AND DEFINITIONS

Sec.
401.1 The Office of Commercial Space Transportation.
401.3 The Director of Commercial Space Transportation.
401.5 Definitions.

Authority: Sec. 4, Pub. L. 98–575 (49 U.S.C. App. 2601 note), § 1.68 Regulations of the Office of the Secretary of Transportation, 49 CFR 1.68.

§ 401.1 The Office of Commercial Space Transportation.

The Office of Commercial Space Transportation, referred to in these regulations as the "Office," is a unit within the Office of the Secretary of Transportation and is located in the Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, DC 20590

§ 401.3 The Director of Commercial Space Transportation.

The Office is headed by a Director appointed by the Secretary of Transportation to exercise the Secretary's authority to license and otherwise regulate commercial space launch activities and to discharge the Secretary's responsibility to encourage, facilitiate and promote commercial space launches by the United States private sector.

§ 401.5 Definitions.

As used in this chapter—

Act—means the Commercial Space Launch Act of 1984, Pub. L. 98–575.

Amateur Rocket Activities—means launch activities involving rockets powered by a motor or motors having a total impulse of 200,000 pound—seconds or less and a total burning or operating time of less than 15 seconds, and a rocket having a ballistic coefficient—i.e., gross weight in pounds divided by frontal area of rocket vehicle—less than 12 pounds per square inch.

Commercial Launch Activities—means the launch activities subject to the authority of the Department of Transportation regardless of whether such activities are conducted by a private or public entity, or for profit.

Director—means the Director of the Office of Commercial Space

Transportation, or any person designated by the Director to exercise the authority or discharge the responsibilities of the Director.

Launch—means to place, or attempt to place, a launch vehicle and/or payload in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space.

Launch Activity—means the launch of a launch vehicle and any payload, the operation of a launch site, or both.

Launch Vehicle—means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space, and any suborbital rocket.

Licensee—means the person authorized by a license to conduct specified commercial launch activities and responsible for conducting such activities in conformance with applicable requirements.

Operation of a Launch Site—means the conduct of approved safety operations at a permanent site for purposes of supporting, for compensation or hire, the launching of launch vehicles and payloads.

Mission—means the objective to be accomplished by a proposed launch and includes the general plan for achieving that objective.

Payload—means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of a launch vehicle specifically designed or adapted for that object.

Person—means any individual and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any State or Nation.

Safety Operations—means the personnel, equipment, facilities, documented plans and procedures, and any other resource needed for safe preparation and launch of a launch vehicle and its payload.

State and United States—when used in a geographical sense, mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, The United States Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States; and

United States Citizen—means:

(a) Any individual who is a citizen of the United States;

(b) Any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States or any State; and

(c) Any corporation, partnership, joint venture, association, or other entity which is organized or exists under the laws of a foreign nation, if the controlling interest in such entity is held by an individual or entity described in paragraphs (a) or (b) of this definition. "Controlling interest" means ownership of an amount of equity in such entity sufficient to direct management of the entity or to void transactions entered into by management. Ownership of at least fifty-one percent of the equity in an entity by persons described in paragraphs (a) or (b) of this definition creates a rebuttable presumption that such interest is controlling.

SUBCHAPTER B—PROCEDURE

PART 404—REGULATIONS AND LICENSING REQUIREMENTS

Subpart A—General

Sec.

404.1 Scope.
404.3 Filing of petitions to the Director.
404.5 Action on petitions.

Subpart B—Rulemaking

404.11 General.
404.13 Contents of notices.
404.15 Petitions for extension of time to comment.
404.17 Consideration of comments received.
404.19 Additional rulemaking proceedings.
404.21 Hearings.
404.23 Adoption of final rules.

Authority: Secs. 8 and 13, Pub. L. 98-575 (49 U.S.C. App. 2601 note).

Subpart A—General

§ 404.1 Scope.

Pursuant to sections 8 and 13 of the Act, this part sets forth the procedures for issuing regulations to implement the Act, and for eliminating or waiving requirements of Federal law otherwise applicable to the licensing of commercial space launch activities.

§ 404.3 Filing of petitions to the Director.

(a) Any interested person may petition the Director to issue, amend or repeal a regulation, to eliminate as a requirement for a license any requirement of Federal law applicable to commercial launch activities, or to waive any such requirement in the context of a specific application for a license.

(b) Each petition filed under this section must:

(1) Be submitted in duplicate to the Documentary Services Division, Attention Docket Section, Room 4107, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590;

(2) Set forth the text or substance of the regulation or amendment proposed, the regulation to be repealed, or the licensing requirement to be eliminated or waived;

(3) In the case of a petition for a waiver, explain the nature and extent of the relief sought;

(4) Contain any facts, views, and data available to the petitioner to support the action requested; and

(5) In the case of a petition for a waiver, be submitted at least 60 days before the proposed effective date of the waiver unless good cause is shown in the petition.

(c) A petition for rulemaking filed under this section must contain a summary, which may be published in the Federal Register, which includes:

(1) A brief description of the general nature of the action requested; and

(2) A brief description of the pertinent reasons presented in the petition for instituting the rulemaking.

§ 404.5 Action on petitions.

(a) *General.* No public hearing, argument or other proceeding is held on a petition before its disposition under this section.

(b) *Grants.* In the case of a petition for a waiver, the Director may grant the waiver if the Director determines that the waiver is in the public interest and will not jeopardize public health and safety, the safety of property, or any national security or foreign policy interest of the United States. In all other cases, if the Director determines that the petition contains adequate justification, the Director initiates a rulemaking action under Subpart B of this part.

(c) *Denials.* If the Director determines that the petition does not justify initiating rulemaking action or granting the waiver, the petition is denied.

(d) *Notification.* Whenever the Director determines that a petition should be granted or denied, the petitioner is notified of the Director's action and the reasons supporting it.

Subpart B—Rulemaking

§ 404.11 General.

(a) Unless the Director finds, for good cause, that notice is impractical, unnecessary, or contrary to the public interest, a notice of proposed rulemaking is issued and interested persons are invited to participate in the rulemaking proceedings related to each substantive rule proposed.

(b) Unless the Director determines that notice and comment is necessary or desirable, interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice are issued as final rules without notice or other proceedings.

(c) In the Director's discretion, interested persons may be invited to

participate in the rulemaking proceedings described in § 404.19 of this subpart.

§ 404.13 Contents of notices.

(a) Each notice of proposed rulemaking is published in the **Federal Register**, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the **Federal Register** or personally served, includes:

(1) A statement of the time, place, and nature of the proposed rulemaking proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects or issues involved and, in most cases, a description of the substance or terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceeding.

§ 404.15 Petitions for extension of time to comment.

(a) Any person may petition the Director for an extension of time to submit comments in response to a notice of proposed rulemaking. The petition must be submitted in duplicate not less than three days before expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Director grants the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is in the public interest. If an extension is granted, it is granted as to all persons and is published in the **Federal Register.**

§ 404.17 Consideration of comments received.

All timely comments are considered before final action is taken on a rulemaking proposal. Late filed comments may be considered to the extent possible, provided they do not cause undue additional expense or delay.

§ 404.19 Additional rulemaking proceedings.

The Director may initiate any additional rulemaking proceedings, if necessary or desirable. For example, the Director may invite interested persons to present oral arguments, participate in conferences, appear at informal hearings, or participate in any other proceeding.

§ 404.21 Hearings.

(a) Sections 556 and 557 of Title 5, United States Code, do not apply to hearings held under this part. As a fact-finding proceeding, each hearing held under this part is nonadversary and there are no formal pleadings or adverse parties. Any rule issued in a proceeding in which a hearing is held is not based exclusively on the record of the hearing.

(b) The Director designates a representative to conduct any hearing held under this part. The General Counsel designates a legal officer for the hearing.

§ 404.23 Adoption of final rules.

Final rules are prepared by the appropriate representatives of the Director and the Office of the General Counsel. The rule is then submitted to the Director for consideration. If the Director adopts the rule, it is published in the **Federal Register,** unless all persons subject to it are named and are personally served with a copy of it.

PART 405—INVESTIGATIONS AND ENFORCEMENT

Sec.

405.1 Monitoring of licensed and other activities.
405.3 Authority to modify, suspend or revoke.
405.5 Emergency orders.
405.7 Civil penalties.

Authority: Secs. 14, 17 and 19 Pub. L. 98–575 (49 U.S.C. App. 2601 note).

§ 405.1 Monitoring of licensed and other activities.

Each licensee shall allow and cooperate with Federal officers or employees or other individuals authorized by the Director to observe licensed activities, including launch sites, production facilities or assembly sites used by any contractor of a licensee in the production or assembly of a launch vehicle and in the integration of a payload with its launch vehicle. Such observance is conducted in order to monitor the activities of the licensee or contractor at such time and to such extent as the Director considers reasonable and necessary to determine compliance with the license or to carry out the Director's responsibilities pertaining to payloads for which no Federal license, authorization, or permit is required.

§ 405.3 Authority to modify, suspend or revoke.

(a) Upon application by the licensee or upon the Director's own initiative, the Director may modify a license issued under this chapter if the Director finds that the modification is consistent with the requirements of the Act.

(b) If the Director finds that a licensee has substantially failed to comply with any requirement of the Act, the terms and conditions of the license, any DOT commercial space launch regulation, or other applicable requirement, or that public health and safety, the safety of property or any national security or foreign policy interest of the United States so require, the Director may suspend or revoke any license issued under this chapter.

(c) Unless otherwise specified by the Director, any modification, suspension or revocation made by the Director under this section:

(1) Takes effect immediately; and

(2) Continues in effect during any review of such action under this part.

(d) Whenever the Director takes any action under this section, the Director immediately notifies the licensee in writing of the Director's finding and the action which the Director has taken or proposes to take regarding such finding.

§ 405.5 Emergency orders.

The Director may immediately terminate, prohibit or suspend a licensed launch or launch site operation if the Director determines that—

(a) Such launch or operation is detrimental to public health and safety, safety of property, or any national security or foreign policy interest of the United States; and

(b) The detriment cannot be eliminated effectively through the exercise of other authority of the Director.

§ 405.7 Civil penalties.

(a) Pursuant to section 19 of the Act, any person found by the Director, after notice and opportunity to be heard on the record in accordance with section 554 of title 5, United States Code, to have violated a requirement of the Act, a regulation issued under the Act, or any term, condition or restriction of any license issued or transferred by the Director, shall be liable to the United Stated for a civil penalty. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Director by written notice. The Director may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(b) if any person fails to pay a civil penalty assessed against such person after the penalty has become final or if such person appeals an order of the

Director, and the appropriate court has entered final judgment in favor of the Director, the Director shall recover the civil penalty assessed in any appropriate district court of the United States.

(c) For purposes of conducting any hearing under this section, the Director may: (1) Issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, and other records; (2) seek enforcement of such subpoenas in the appropriate district court of the United States; and (3) administer oaths and affirmations.

PART 406—ADMINISTRATIVE REVIEW

Sec.
406.1 Hearings.
406.3 Submission; oral presentation.
406.5 Administrative law judge's recommended decision.

Authority: Sec. 12, Pub. L. 98–575 (49 U.S.C. App. 2601, note).

§ 406.1 Hearings.

(a) Pursuant to section 12 of the Commercial Space Launch Act, the following are entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code:

(1) An applicant for a license and a proposed transferee of a license regarding any decision to issue or transfer a license with conditions or to deny the issuance or transfer of such license;

(2) An owner or operator of a payload regarding any decision to prevent the launch of such payload;

(3) A licensee regarding any decision to suspend, modify, or revoke a license, or to terminate, prohibit, or suspend any licensed launch activity; and

(4) A person found by the Director to have violated a requirement of the Act, a regulation issued under the Act, or any term, condition or restriction of any license issued or transferred by the Director if the Director seeks civil penalties.

(b) An administrative law judge will be designated to preside over any hearing held under this part.

§ 406.3 Submission; oral presentation.

(a) Determinations under this part will be made on the basis of written submissions unless the administrative law judge, on petition or on his or her own initiative, determines that an oral presentation is required.

(b) Submissions shall include a detailed exposition of the evidence or arguments supporting the petition.

(c) Petitions shall be filed as soon as practicable, but in no event more than 30 days after issuance of the Director's decision or finding under § 406.1.

§ 406.5 Administrative law judge's recommended decision.

(a) The recommended decision of the administrative law judge shall be reviewed by the Director, who shall make the final decision on the matter at issue. The Director shall make such final decision within thirty days of issuance of the recommended decision.

(b) The authority and responsibility to review and decide rests solely with the Director and may not be delegated.

SUBCHAPTER C—LICENSING

PART 411—POLICY

Sec.
411.1 General.
411.3 Review procedures.
411.5 Safety approval.
411.7 Mission approval.
411.9 Information requirements.

Authority: Secs. 3, 5, and 6, Pub. L. 98–575 (49 U.S.C. App. 2601, note).

§ 411.1 General.

The Office of Commercial Space Transportation may issue and transfer licenses authorizing launches, the operation of launch sites, or both. The policies and procedures in this subchapter apply primarily to launch license applicants.

§ 411.3 Review procedures.

(a) The evaluation of license requests for unmanned launches involves two reviews, Safety Review and Mission Review, designed to address in the most effective and least burdensome manner the two general areas of Federal concern: (1) The efficacy of the proposed safety operations to support safe preparation and launch of a launch vehicle and any payload; and (2) significant issues affecting United States national interests and international obligations that might be associated with the proposed launch. These reviews may be conducted independently of each other and in whichever order, sequential or concurrent, is more appropriate to the needs of the applicant.

(b) Requests for licenses authorizing the operation of a launch site will be reviewed on the basis of the applicant's capability to conduct safety operations on a continuing basis as support for the launching of launch vehicles and payloads.

§ 411.5 Safety approval.

(a) Applicants proposing to launch from sites whose operations are neither licensed by the Office nor supervised by another Federal agency must demonstrate that they possess the capability and resources for safely conducting the preparation and launch of a launch vehicle and any payload to be carried by such vehicle. In those circumstances, a comprehensive review of the applicant's proposed safety operations must be performed in order to determine whether safety approval can be granted.

If an applicant proposes to launch from an established Federal range, as the Act encourages, it is the Office's view that the launch services provided by these ranges clearly provide an appropriate assurance of safety. As a general matter, commercial launch sites operated under the authority of a license issued by the Office should also be capable of providing an appropriate assurance of safety. If an applicant proposes to contract for the services of a Federal range or a private launch site operated under the authority of a license issued by the Office, safety approval will ordinarily be given once the applicant has been accepted by a range or site capable of handling the launch activity proposed. All launch licenses issued under these circumstances will be conditioned by the requirements that the applicant: (1) Comply with all applicable safety requirements and procedures of the range or launch site in question and (2) inform the Office of and obtain approval for any planned or proposed deviations from or alternatives to such requirements or procedures.

§ 411.7 Mission approval.

(a) Mission approval will be granted absent clear evidence that some aspect of the proposed launch poses a threat to distinct U.S. national security or foreign policy interests, constitutes a hazard to public health and safety or safety of property, or is inconsistent with international obligations of the United States.

(b) The Department will not duplicate the substance of a review conducted by a Federal agency with primary authority for addressing the Federal interests associated with a given class of payloads. This includes, for example, reviews conducted by the Federal Communications Commission for telecommunication satellites, the Department of Commerce for remote-sensing satellites, or other Federal agencies for their own payloads. A proposal to launch a foreign telecommunications or remote-sensing payload will be reviewed in consultation with the Departments of Defense and State. A proposal to launch a payload not covered by an existing Federal regulatory regime must be

reviewed by the Department in consultation with other appropriate Federal agencies in order to determine that the launch of such payload will not jeopardize public health and safety, safety of property, or any national security or foreign policy interest of the United States. In order to provide the certainty needed for new commercial space applications, whether domestic or foreign, the Office, when requested to do so, will provide payload operators or owners with this determination in advance of a launch license request. Subsequent reviews of payloads within the same category will be considered on a routine basis and will focus on new or distinctive elements of the specific payload to be launched.

§ 411.9 Information requirements.

Sections 415.17, 415.25, and 415.27 identify the basic information an applicant must submit in order to initiate an appropriate review. These information requirements are not intended to be all-inclusive and the submission of the required information does not, in itself, demonstrate the qualifications of an applicant. Rather, the information requirements are intended to ensure prompt and efficient review. The nature of individual launch proposals may require the submission of additional information.

PART 413—APPLICATIONS

Sec.
413.1 Scope.
413.3 Pre-Application consultation.
413.5 Application.
413.7 Confidentiality.
413.9 Review of applications.
413.11 Issuance of license.
413.15 Terms and conditions of license.
413.17 Certain rights not conferred by license.
413.19 Substantial and significant changes in information furnished to the Director.

Authority: Secs. 9, 10, 11 and 20, Pub. L. 98-575 (49 U.S.C. App. 2601 note).

§ 413.1 Scope.

The regulations in this part prescribe the application procedures common to licensing all commercial space launch activities. The regulations applying exclusively to launch licenses are contained in Part 415 of this subchapter.

§ 413.3 Pre-application consultation.

(a) Applicants are encouraged to consult with the Office of Commercial Space Transportation at the earliest possible planning stages. Such consultation may reveal potential problems with a proposal and allow changes to be made when they are less likely to result in significant delay or costs to the applicant. Consultations later in the planning process may prove useful in defining informational requirements for appliations and expediting review.

(b) *Consultation.* Upon request, the Director will consult with any prospective applicant to assist the applicant in: (1) Properly preparing the application; and (2) contacting other Government agencies involved in the application review process in order to discuss the prospective application.

§ 413.5 Application.

(a) *Form.* Applications must be in writing and filed in duplicate with the Director, Office of Commercial Space Transportation, S–50, 400 Seventh, SW., Washington, DC 20590.

(b) *Types.* Applications to the Director may request issuance or transfer of a license authorizing a launch or the operation of a launch site. Applications may also be made, separately and in advance of a license application, requesting an approval or determination that must be secured before a license can be issued or transferred.

(c) *Signature.* Applications must be signed as follows:

(1) For a corporation: By an officer authorized to act for the corporation in licensing matters.

(2) For a partnership or a sole proprietorship: By a general partner or proprietor, respectively; or

(3) For an association or other entity: By a principal executive officer.

§ 413.7 Confidentiality.

(a) Applicants who submit with an application or as part of the application review process information that is considered to be a trade secret or commercial or financial information that is privileged or confidential may request in writing that the information be given confidential treatment.

(b) Such a request should be made at the time of submission of the information and state the period of time for which confidential treatment is desired.

(c) A request for confidential treatment will be associated with previously submitted information to the extent that it is practicable in light of prior distribution of such information.

(d) Information requested to be treated confidentially must be clearly marked with an identifying legend such as "Proprietary Information" or "Confidential Treatment Requested." Where this marking proves impracticable, a cover sheet containing the identifying legend must be securely attached to the compilation of information for which confidential treatment is requested.

§ 413.9 Review of applications.

(a) Each application shall contain the information prescribed by the Director.

(b) The Director determines whether an application is substantially complete and, if so, accepts the application for review.

(c) Applications found by the Director to be incomplete or so speculative or frivolous as to make review inappropriate will be returned to the applicant with a statement of the reasons therefor.

(d) Once an application is accepted, the Director initiates an appropriate review in light of the specific action requested in the application.

(e) The Director makes a determination on an application as expeditiously as possible but, in the case of a license application, not later than 180 days after receipt of such application. If the Director has not made a determination within 120 days after receipt of such application, the Director informs the applicant of any pending issues and of actions required to resolve such issues.

§ 413.11 Modifications.

Applications may be modified, supplemented, or corrected by the applicant at any time prior to issuance of the Director's decision to grant or deny, whether in whole or in part, the approval, determination, or license requested.

§ 413.13 Issuance of license.

The Director issues or transfers a license authorizing the conduct of commercial space launch activities by the applicant if the Director determines, after review, that the applicant has, and will continue to have, the ability to comply with all requirements for a license, including the ability to conduct safe launch or launch site operations.

§ 413.15 Terms and conditions of license.

(a) Each license issued or transferred under this section shall specify the activities authorized by the license, the name of each person responsible under the license for the conduct of such activities, the period of time for which the license is valid, and such other terms and conditions as may be required to protect public safety, the safety of property, and national security and foreign policy interests of the United States.

(b) All licenses shall specify, as a condition of such license, that the licensee maintain an effective on-site means for verifying that the licensed launch activity conforms to

representations made in the license application.

§ 413.17 Certain rights not conferred by license.

No license shall confer any proprietary, property, or exclusive right in the use of any airspace, Federal launch facility, or Federal launch support facility. Issuance of a license does not affect the authority of the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 *et seq.*) or the authority of the Secretary of Commerce under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4301 *et seq.*).

§ 413.19 Substantial and significant changes in information furnished to the Director.

(a) Each applicant is responsible for the continuing accuracy and completeness of information furnished to the Director to support a pending application or which formed the basis for any approval, determination of licensing action by the Director. Whenever such information is no longer substantially accurate and complete in all significant respects, or whenever there has been a substantial change as to any matter of decisional significance to the Director, the applicant shall, as promptly as possible, submit a statement furnishing such additional or corrected information as may be appropriate.

(b) Willful false statements made in applications and documents relating to applications or licenses are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including license revocation and civil penalties.

PART 415—LAUNCH LICENSES

Subpart A—General

Sec.

415.1 Scope.
415.3 When a launch license is required.
415.5 Approvals required for a license.
415.7 Incorporation of approvals.
415.9 Conditions.

Subpart B—Safety review

415.11 Scope.
415.13 General standards for reviewing safety operations.
415.15 When to request safety approval.
415.17 Required information.
415.19 Incorporation of safety approval.

Subpart C—Mission review

415.21 Scope.
415.23 When to request mission approval.
415.25 Required information.
415.27 Payload determinations.
415.29 Advance determinations on payloads.
415.31 Incorporation of Mission approval.

Subpart D—Environmental Impacts of Launch Activities

415.41 General.
415.43 Environmental information.

Authority: Secs. 6, 7, 8, and 9, Pub. L. 98-575 (49 U.S.C. App. 2601, note).

Subpart A—General

§ 415.1 Scope.

This part contains the procedures and information requirements which apply exclusively to launch license applications and supplements the general application procedures in Part 413.

§ 415.3 When a launch license is required.

(a) The launch of a launch vehicle and any payload carried by such vehicle by any person from U.S. territory or by a U.S. citizen from outside U.S. territory must be authorized by a license issued under this part.

(b) The launch of a launch vehicle, and any payload carried on such vehicle, by a foreign corporation or other entity controlled by a United States citizen, as defined in § 401.5 of this chapter, at any place which is both outside the United States and outside of the territory of any foreign nation when there is no agreement in force between the United States and a foreign nation which provides that such foreign nation shall exercise jurisdiction over such launch must be authorized by a license issued under this part.

(c) The launch of a launch vehicle and any payload carried on such vehicle by any foreign citizen described in paragraph (b) of this section, from the territory of a foreign nation when there is in force an agreement between the United States and such foreign nation concerning the exercise of jurisdiction by the United States over such launch must be authorized by a license issued under this part.

§ 415.5 Approvals required for a license.

A license authorizing an unmanned launch will be issued or transferred after the Director grants an applicant both mission and safety approval. These approvals may be requested separately and in advance of a license request as provided in §§ 415.15 and 415.23.

§ 415.7 Incorporation of approvals.

(a) Any approval or payload determination made by the Director before a license has been requested, as provided in § 413.5 of this subchapter, will be made part of the record upon which the Director will make a decision to issue a launch license with conditions or to deny a launch license.

(b) An approval or payload determination remains valid, and the Director will not reopen any part of a review which formed the basis for an approval or payload determination, as long as the information submitted as part of the review and other matters of decisional significance to the Director remain accurate and valid.

§ 415.9 Conditions.

All launch licenses will contain those conditions which the Director determines to be necessary and appropriate to protect public health and safety, the safety of property, and national security and foreign policy interests of the United States. Failure to comply with any license condition may be cause for revocation of the license or the initiation of other enforcement actions by the Director. Standard conditions will require the licensee to:

(a) Secure at least the minimum amount of third-party liability insurance specified by the Department;

(b) Adhere strictly to specified range safety regulations and procedures;

(c) Comply with requirements concerning pre-launch record keeping and notifications, including those pertaining to Federal airspace restrictions and military tracking operations; and

(d) Comply with Federal inspection, verification and enforcement requirements.

Subpart B—Safety Review

§ 415.11 Scope.

Safety Review is the procedure for determining whether an applicant can safely conduct the preparation and launch of the proposed launch vehicle and any payload. This review focuses on the elements of an applicant's safety operations, including the proposed launch site, procedures, personnel, and equipment. A safety approval granted by the Director does not confer any approval or authorization an applicant or licensee must obtain from the operator of the range from which the launch vehicle and any payload are approved for launch, or create any presumption or inference that such approval or authorization will be granted.

§ 415.13 General standards for reviewing safety operations.

(a) *Launch Site.* The location, size and design configuration of the proposed site must ensure that off-site persons and property are not exposed to an unreasonable risk of harm.

(b) *Procedures.* User and range operator procedures must be appropriate for assuring pre-launch check-out and validation of all launch safety systems (ground or flight); control of prelaunch and launch hazards to the public; trajectory flight safety analysis; and safe flight operations from ignition through impact for suborbital launches and through orbital injection or escape velocity for orbital launches.

(c) *Personnel.* Range safety personnel must be qualified and possess appropriate training and experience.

(d) *Equipment.* Range safety equipment and instrumentation and vehicle safety systems must be adequate and appropriate to support safe operations.

§ 415.15 When to request safety approval.

An application for safety approval may be made as a part of a launch license request or, in the alternative, in advance of a launch license request.

§ 415.17 Required information.

(a) *Launches from Approved Launch Sites.* Applicants proposing to launch from Federal launch ranges or commercial sites operated under the authority of a license issued by the Director must provide a statement:

(1) Verifying that the applicant has been accepted by the operator of a launch range or site appropriate for the proposed mission; and

(2) Identifying the party (operator or applicant) responsible for conducting or providing, whether in whole or in part, any element of launch operations discussed in §§ 415.11 and 415.13. In instances where the applicant has assumed primary responsibility for one of these elements, a statement must be provided describing how responsibility and accountability for safety will be assigned between the operator and applicant.

(b) *Other Launches.* All applicants not covered by paragraph (a) of this section must provide the following information in sufficient detail for the Office to begin an assessment of the applicant's competency, experience and capability to conduct a launch safely:

(1) An identification and description of the launch site from which the proposed launch will take place, specifically describing:

(i) The location, size, shape and geographic characteristics of the site;

(ii) The proximity to populated areas;

(iii) Any local activities that may be affected by the launch, such as air traffic, shipping, and offshore fishing; and

(iv) Proposed launch corridors from the site and predicted impact areas.

(2) A description of the role and responsibilities of personnel performing safety or safety related functions for the proposed launch operation. Details should include:

(i) A description of the planned organization, key personnel, and lines of authority and responsibility for accomplishing pre-launch and launch safety functions.

(ii) The methodology proposed for selection, training and testing of the Launch Safety Office and other key personnel critical to assuring Launch Safety System readiness for launch, as well as prior experience, training, etc. of such personnel.

(iii) Description and explanation of how the methodology proposed relates to assuring the successful control of the proposed launch.

(3) A description of tracking and/or data acquisition equipment to be used for safety purposes. This description should include:

(i) An identification of the types of tracking equipment to be used and their performance capabilities;

(ii) The location and placement of equipment; and

(iii) The types, performance capabilities and specifications of other aids to be used including computational equipment, display systems, and recording systems.

(4) A description of proposed flight safety systems including:

(i) The type, design and performance specifications of the flight termination system including transmitters, receivers, ordinance, etc.;

(ii) Schematics and wiring diagrams; and

(iii) Certification and verification procedures for the proposed flight safety system.

(5) Documents outlining the proposed process and procedures to be followed for prelaunch ground safety, flight safety analysis, and flight safety operations, including copies of safety analyses performed to determine potential impacts, establish destruct criteria, unique hazards identified, etc. Examples of documents to be included are set forth below:

(i) Description of ground safety measures taken to protect public safety;

(ii) Flight safety analysis performed, analytical models used, etc. In order to demonstrate efficacy of the proposed process, the applicant is requested to provide examples of safety analyses it has performed to determine potential impacts, establish flight termination criteria, identify/control unique hazards, etc.;

(iii) Flight safety operation to be conducted, criteria proposed for flight termination, practice and testing exercises to be performed, emergency procedures, etc.;

(iv) Quality control and testing procedures for critical safety equipment components including tracking and flight termination; and

(v) Recovery procedures if applicable.

(6) Flight plan data as a function of time for launch vehicle and spacecraft including trajectory, azimuth, flight profile, and orbital elements. Examples of data to be included are set forth below:

(i) Profile plot of the planned flight trajectory, showing altitude versus range and trajectory for each expended stage;

(ii) A plan view of the flight trajectory, showing launch and trajectory azimuth, impact points for each stage, jettisoned component, or other impacting body;

(iii) Launch vehicle ground and IIP ground tracks with respect to all significant land masses shown in true geographical location; and

(iv) Description and definition of orbit.

(7) Description of the launch vehicle and its performance characteristics, as well as a description of any payload with a particular emphasis on hazardous systems. Examples of descriptions to be included are set forth below:

(i) Description of the launch vehicle configuration; major sections and components; weights and dimensions of each; rocket motors and propulsion systems, guidance system for each stage; and destruct system(s);

(ii) Description of payload design sufficient to determine unique flight hazards, hazardous materials involved, etc.; and

(iii) Thrust time history of each stage, maximum turn rates, plot of estimated vehicle weight versus time, analysis of vehicle integrity to meet flight environment.

(8) Other categories of data as determined by the applicant to demonstrate unique capabilities.

§415.19 Incorporation of safety approval.

A safety approval made by the Director under this part may be made part of a licensing record pursuant to § 415.7.

Subpart C—Mission Review

§ 415.21 Scope.

Mission Review is the procedure for identifying significant issues affecting United States national interests and international obligations that may be associated with a proposed launch. A review conducted under this part covers all aspects of a proposed launch, including any payload to be launched,

except the safety operations an applicant will use to prepare and launch a launch vehicle and any payload.

§ 415.23 When to request mission approval.

An application for mission approval may be made as part of a launch license request or, in the alternative, in advance of a launch license request.

§415.25 Required information.

(a) The applicant must describe the launch vehicle and the location of the launch site.

(b) The applicant must submit a flight plan and staging data sufficient for evaluating such factors as the potential for land overflight, impacts of spent stages, and debris issues.

(c) The applicant must identify any unique hazards that may be posed by the launch derived from the nature of materials to be launched or potential abort or re-entry hazards.

(d) The applicant must identify the nature and ownership of any payload to be launched.

(e) The applicant must—

(1) Provide proof of application for or issuance of any license, authorization or other permit required by Federal law for the payload which is to be launched; or

(2) If no payload license, authorization or permit is required by any Federal law for the payload which is to be launched, indicate whether a determination, provided for in § 415.27, has been made by the Director concerning such payload.

§ 415.27 Payload determinations.

The Director must determine whether to prevent the launch of a payload for which no license, authorization, or permit is required by Federal law because to launch such payload would jeopardize public health and safety, the safety of property, or any national security or foreign policy interest of the United States. An applicant proposing to launch such a payload must provide:

(a) An assessment of safety issues anticipated by the applicant;

(b) A statement of the number of missions planned for payloads of the same or similar design;

(c) A description of the design and construction plans of the payload;

(d) A description and definition of the proposed orbit, including altitude and inclination; and

(e) Other information, as appropriate.

§ 415.29 Advance determinations on payloads.

Any person may request that the Director make a determination, pursuant to § 415.27, at any time prior to a request for mission approval or a request for a launch license.

§ 415.31 Incorporation of mission approval.

A launch mission approval or payload determination made by the Director under this part may be made part of a licensing record pursuant to § 415.7.

Subpart D—Environmental Impacts of Launch Activities

§ 514.41 General.

In accordance with the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, *et seq.*, (NEPA), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR Parts 1500–1508, and the Department of Transportation's Procedures for Considering Environmental Impacts, DOT Order 5610.1C, the environmental impacts of licensing commercial launch activities must be considered by the Office. The effects of most projected commercial launch activities are already addressed in the Office's programmatic environmental assessment or in environmental impact statements for existing launch sites. The Office will determine whether a proposed launch activity is adequately addressed in these documents. Applicants may be required to provide additional information concerning the environmental effects of a proposed launch activity.

§ 415.43 Environmental information.

Applicants will be required to submit environmental information concerning:

(a) Proposed new launch sites not covered by existing environmental documentation;

(b) A proposed new launch vehicle with characteristics falling measurably outside the parameters of existing environmental documentation;

(c) Proposed launches from established sites involving vehicles with characteristics falling measurably outside the parameters of the existing environmental impact statement covering those sites;

(d) A proposed payload that may have significant environmental impacts in the event of a launch accident; and

(e) Other factors as determined by the Office.

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Part IV

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 868

Medical Devices; Invitation for Offers To Submit or To Develop a Performance Standard for Breathing Frequency Monitor (Neonatal Apnea Monitor); Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 868

[Docket No. 83N-0193]

Medical Devices; Invitation for Offers To Submit or To Develop a Performance Standard for Breathing Frequency Monitor (Neonatal Apnea Monitor)

AGENCY: Food and Drug Administration HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to invite interested persons, including any Federal agency, to submit any existing standard as a proposed performance standard for the breathing frequency monitor intended for use on infants (also called the neonatal apnea monitor), or to submit an offer to develop such a proposed standard. If FDA does not receive any response to this notice, or receives a response but does not accept any existing standard or offer to develop a standard, the agency will proceed to develop a performance standard or take other appropriate action to facilitate the development of a performance standard for the device.

DATE: Existing standards or offers shall be submitted on or before April 28, 1986.

ADDRESS: Existing standards or offers shall be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION:

Background/Introduction

Under section 513 of the Federal Food, Drug and Cosmetic Act (the act) (21 U.S.C. 360c), FDA is required to classify each medical device into one of three regulatory categories: class I (general controls), class II (performance standards), or class III (premarket approval).

In the **Federal Register** of July 16, 1982 (47 FR 31130), FDA published a final rule (21 CFR 868.2375) classifying the breathing frequency monitor into class II. In the **Federal Register** of October 21, 1980 (45 FR 69684), FDA published a final rule classifying the neonatal ventilatory effort monitor (apnea monitor) into class II and codifying the classification under 21 CFR 880.2440. Subsequently, the agency determined that the neonatal ventilatory effort monitor (apnea monitor) is essentially the same generic type of device as the breathing frequency monitor and in a final rule published in the **Federal Register** of September 10, 1982 (47 FR 39816), removed § 880.2440, consolidating both generic types of devices under § 868.2375.

In the **Federal Register** of July 8, 1983 (48 FR 31392), FDA initiated a proceeding to establish for the breathing frequency monitor a performance standard under section 514 of the act (21 U.S.C. 360d). As required by section 514(b) of the act, the proceeding was initiated by publishing in the **Federal Register** a notice of opportunity to submit to the agency, within 15 days of the date of publication of the notice, a request for a change in the classification of the device based on new information relevant to its classification. FDA did not receive any request for a change in the classification of the device. Therefore, further action is not required under section 514(b) of the act.

As provided by section 514(c) of the act and Part 861 of the regulations governing performance standards development (21 CFR Part 861), FDA is continuing the proceeding to establish a performance standard for the breathing frequency monitor by inviting interested persons to submit an existing standard as a proposed performance standard for the device or to submit an offer to develop such a proposed standard.

As discussed under "Device Description," FDA has decided to limit the action, at this time, to the models of the breathing frequency monitor intended for use only on infants to detect cessation of breathing, and is commonly called the neonatal apnea monitor.

Comments

Although FDA did not receive any requests for a change in the classification of the breathing frequency monitor, the agency received two comments in response to the July 8, 1983 notice. One comment was from a research institute and the other was from a manufacturer of breathing frequency monitors.

1. One comment expressed the view that more than one standard for the breathing frequency monitor is needed to provide reasonable assurance of the safety and effectiveness of the device because of the variety of techniques for monitoring breathing. The comment argued, in addition, that rapidly changing technology will quickly make the provisions of a standard outdated unless the provisions are directly related to safety and the safety aspects of effectiveness. According to the comment, this problem has been experienced by several voluntary standards organizations.

FDA does not agree that more than one standard is necessary for the breathing frequency monitor intended for use on infants. All of the device products include a neonatal respiration sensor, a system for processing the respiration sensor signal, and a system for read-out. The critical issue in considering appropriate concepts for a standard applicable to the device has been the quantitative comparison of the effectiveness of respiration sensors. The feasibility of such comparison has been demonstrated by Mendenhall and Newman (Refs. 1 and 2).

Further, FDA does not agree that a performance standard for breathing frequency monitors should address only safety issues. FDA points out that section 514(a)(2)(A) of the act provides that a performance standard for a device "shall inlcude provisions to provide reasonable assurance of its safe *and effective* performance" (emphasis added). Thus, a performance standard for the breathing frequency monitor is required to address, as necessary, both the safety and the effectiveness of the device.

FDA agrees that a standard for the device will have to be carefully developed to prevent obsolescence of the provisions. To the extent, however, that the comment indirectly was arguing that a performance standard for the breathing frequency monitor should not include "design" features, FDA advises that section 514(a)(2)(B) of the act requires that a performance standard for a device include, to the extent "necessary to provide reasonable assurance of its safe and effective performance," provisions respecting both design and performance characteristics of the device. Thus, a performance standard for the breathing frequency monitor may include either design or performance features, or both, as necessary to provide reasonable assurance of the safety and of the effectiveness of the device. The Center for Devices and Radiological Health has considerable experience with performance standards issued under the Radiation Control for Health and Safety Act of 1968. FDA believes that the distinction, in this case, between performance requirements and design requirements lies primarily in the degree of specificity required to provide adequate protection against a particular health hazard. Close cooperation between all the parties in the standards-

setting process is needed to select the appropriate balance between design and performance requirements in any standard that the agency may establish. FDA will work closely with all the parties in the standards-setting process to ensure that the provisions of any performance standard established under section 514 of the act do not become obsolete. In addition, FDA will amend such standards as required by changing technology.

2. One comment expressed the belief that there are insufficient data to allow any organization to develop a meaningful standard for the breathing frequency monitor and, therefore, it is premature to initiate a proceeding to establish a performance standard for the device. The comment argued that additional research is necessary to define better a variety of pertinent characteristics of device function and patient population before undertaking a standards-setting activity for the device.

FDA disagrees. The agency has considered the issues relating to the need for and development of a performance standard for breathing frequency monitors. FDA's advisory committees have concluded that there is sufficient information to establish a performance standard that will provide reasonable assurance of the safety and effectiveness of the device, and FDA agrees. The characteristics of a breathing frequency monitor that FDA believes would provide reasonable assurance of the safety and effectiveness of the device are described elsewhere in this notice under "Risks Associated With the Device and Which Are To Be Controlled by a Performance Standard."

Current Action

Section 514(c)(1)(A) of the act and § 861.20(c) of the regulations provide that in the event that further action is not required under section 514(b) of the act, FDA shall publish in the **Federal Register** a notice inviting any interested person, including any Federal agency, to submit to FDA, within 60 days after the date of publication of the notice, an existing standard as a proposed performance standard, or an offer to develop a proposed performance standard.

Section 514(c)(2)(B) of the act and § 861.22 of the regulations provide that the notice is to include (1) a description or other designation of the device; (2) a statement of the risk or risks associated with the use of the device and which are intended to be controlled by a performance standard, including pertinent portions of the recommendations of FDA's advisory committees with respect to the device; (3) a summary of the data on which FDA has found a need for initiation of the proceeding to develop a performance standard, including pertinent portions of the recommendations of FDA's advisory committees with respect to the device; (4) identification of any existing performance standard known to FDA which may be relevant to the proceeding; (5) the approximate number of products (i.e., kinds of models) within the generic type of device; and (6) the time period within which the standard is to be developed, which may be extended by the Commissioner of Food and Drugs for good cause shown.

Device Description

The breathing frequency monitor is identified in § 868.2375 as a device intended to measure or monitor a patient's respiratory rate. The device may provide an audible or visible alarm when the respiratory rate is outside predetermined limits. The agency notes that the term "alarm" includes any alarm that is appropriate to the manner of use of the breathing frequency monitor, e.g., aural, visual, tactile, or a signal to another machine.

The term breathing frequency monitor as defined for the purpose of § 868.2375 includes devices that utilize signals from a multiplicity of types of respiration sensors. The monitors can process the sensor signal to provide readouts or signals of respiration waveform, respiration events, or respiration rate. Breathing frequency monitors may be used on patients of any age and may be used in the home, as well as in the hospital.

Scope of the Standard; Models of the Device

FDA intends that any proposed performance standard to be offered or developed at this time would apply only to the breathing frequency monitor devices used on infants because different issues are raised by use in neonate and adult populations and a single standard covering both populations could not be easily written. FDA believes neonates are at the greatest risk from use of the device and is therefore proposing at this time to develop a standard applicable to this population. The monitoring device to be covered by this proposed standard is a subset of the generic type of device classified by § 868.2375 and is commonly called the neonatal apnea monitor, a term that will be retained because of common usage. FDA notes that adult and juvenile populations also are at risk. The agency believes, however, that concepts established in a performance standard for neonatal apnea monitors will carry into the design and construction of breathing frequency monitors for other populations. For these reasons, FDA concludes that the neonatal apnea monitor has the highest priority for establishing a standard.

Neonatal apnea monitor devices currently being marketed are primarily pneumographs that employ sensing for thoracic impedance and that include a heart rate monitor. A variety of respiration sensors have been developed (Ref. 3). Any standard that is offered or developed should cover all possible types of sensors. Several of these sensors are discussed briefly to illustrate the range of the various implementation techniques:

Acoustic transducer. A microphone is secured to the infant's neck to sense the sound of air movement in the airway.

Anemometer (thermistor). Direct sensing of the air flow is accomplished by placing a thermistor in a face mask, by the nares or mouth, or in the pharynx. The electrical resistance of the thermistor changes as it is warmed and cooled by the infant's breathing.

Barometer. Respiration is sensed by monitoring the barometric pressure changes which occur when an infant breathes freely within a closed chamber.

Carbon dioxide sensor. The rate of respiration and the degree to which carbon dioxide is removed from the body is measured using the partial pressure of carbon dioxide in the infant's exhalation.

Pneumotachograph. A fine mesh screen is placed across the infant's airway and detects air flow by sensing the pressure drop across the screen.

Reverse plethysmograph. The volume changes occurring in a reservoir into which an infant breathes by way of a face mask and tubing are measured with a strain gauge.

Spirometer. The volume of air that an infant exhales into a reservoir is measured.

Wet-test gas meter and mask. The infant breathes into a face mask with tubing connected to a wet-test gas meter, which measures the volume of air flowing into the face mask.

Air mattress. Body motion caused by breathing can be monitored by placing the infant on a pad or mattress which senses these motions and converts them to electrical signals. One technique uses a segmented air mattress. Tubing connects each air-filled segment to a common manifold which contains a thermistor. The mattress is placed under the infant with the segments perpendicular to the infant's length.

When the infant breathes, the distribution of his or her body weight shifts, causing air to be displaced from one mattress segment to another by way of the manifold. The moving air cools the thermistor differentially, and this temperature change is detected as a breath.

Air-filled rubber vest. The pressure variations inside an air-filled rubber vest surrounding the chest and abdomen correlate with respiration volume.

Capacitance pneumograph. Changes in the capacitance between conductive plates caused by breathing movements of the infant are detected.

Capacitance mattress. Another technique that senses body motion utilizes a mattress containing two capacitors which vary as the infant moves. The mattress contains several layers of foam with layers of fine wire mesh sandwiched between them to form the plates of two capacitors. The vertical force component of body motion associated with respiration changes the spacing between the mesh layers. These changes in spacing cause changes in capacitance which are interpreted as breathing.

Displacement magnetometer. Inductive means are used to detect chest and abdominal wall movements. Two coils are fixed to the infant's chest, and relative displacements produced by breathing vary the magnetic coupling between the coils. A derived voltage represents these displacements.

Displacement transducer. The elevation of various parts of the chest and abdomen is measured with linear displacement transducers attached by string. In another technique, the variation in separation between two points on the chest occurring with respiration is measured. One end of a guage is fixed to one point on the chest and the other end of the guage is allowed to move with respect to the second point which acts as a marker for the gauge.

Electret. The electret is an electrically polarizable material which acts as a pressure transducer. A pad containing a small, thin sheet of electret, when placed under the infant's mattress, detects the vertical component of force associated with respiratory motion. This force is converted by the transducer to an electrical signal and interpreted as breathing.

Electromyograph. Electrical activity associated with nerve and muscle activation occurring with breathing effort are sensed. Skin surface or needle electrodes are employed.

Impedance pneumograph. Changes in impedance across the thorax caused by the efforts of breathing are sensed. A 10 to 100 kilohertz electric current of about 50 microamperes is passed through electrodes taped to the infant's thorax. The voltage developed and measured is proportional to the transthoracic impedance, which varies during each breath.

Intraesophageal pressure. A catheter is placed in the esophagus to monitor the intraesophageal pressure, which reflects changes in intrathoracic pressure during breathing.

Permanent magnet. Breathing motions can be monitored with a permanent magnet taped to the infant's abdomen or back. A rigid pad containing a concentrically coiled wire is placed under the mattress. Movement of the magnet induces a voltage in the coiled wire which is amplified and interpreted as breathing.

Photoelectric plethysmograph (hemodensitometer). Alterations are detected in the absorption of particular wavelengths of incident light by the blood in the underlying tissue. Hemodensitometer signals from the plantar surface of the infant's foot correlate with his or her respiratory efforts.

Piezo-resistive mattress. A mattress, placed under the infant, changes resistance as the infant's weight redistributes with breathing.

Radar. Low amplitude, high-frequency radio transmitter and receiver signals reflected from the infant detect the breathing motion of the chest.

Strain gauge. There are two types of strain gauges. The mercury-in-rubber strain gauge encircles the abdomen or thorax and senses the expansion and contraction of the torso with each inspiration and expiration. The air-filled tubing pneumograph generally consists of two small, hollow, corrugated rubber tubes strapped to the abdomen and connected to an air-tambour to sense air displacement caused by abdominal motion during breathing.

Whole and partial body plethysmograph. The volume of air displaced with each breath is sensed by a pneumotachograph attached to a tube connected to a box in which all or a portion of the infant can be placed.

From data provided in premarket notifications under section 510(k) of the act (21 U.S.C. 360(k)), FDA is aware of about 33 different models of the breathing frequency monitor that potentially would be covered by a performance standard established for the device.

Risks Associated With the Device and Which Are To Be Controlled by a Performance Standard

FDA believes that the characteristics of the neonatal apnea monitor necessitating a performance standard concern the importance of accurate and reliable performance of the device. It is used in medical contexts in which its failure to work properly can have a significant negative effect on the health of the patient, or can, in some situations, be life threatening. In addition, there are general risks associated with the electrical and mechanical features of the device. The primary risk associated with the device is failure to detect reliably the lack of breathing (apnea) which can result in death of the infant patient.

A description of the risks identified by FDA's advisory committees is presented in the section of this notice entitled "Summary of the Data Supporting the Need for a Performance Standard."

Based upon the risks currently known the FDA, to agency is providing to interested persons guidance in the concepts that may be used in a performance standard and that FDA believes will provide reasonable assurance of the safety and effectiveness of the device.

A neonatal apnea monitor should accurately and reliably detect the absence of effective respiration and provide an alarm in such cases. As necessary, a standard for the device should address monitor design, including that of the respiration sensor, and the ability of the monitor to function in physiopathologic situations, such as when there is periodic breathing, disorganized breathing, shallow breathing, too low or too high a breathing rate, or an airway obstruction.

The neonatal apnea monitor may incorporate a secondary monitoring system in case the primary monitoring system fails to perform its intended function.

The labeling for the monitor should provide instructions for each intended use and prominently state the intended uses of the device, describe malfunctions, describe uses not intended for the device, and contain adequate maintenance and service information.

Summary of the Data Supporting the Need for a Performance Standard

The need to establish a performance standard for the neonatal apnea monitor is based on information from several sources. These sources include FDA's advisory committees, a report developed under contract with FDA regarding the

risks and hazards associated with the monitors (Ref. 3), reports received through the agency's Device Experience Network (DEN), information submitted to the agency under Part 803 of the regulations governing medical device reporting (21 CFR Part 803), recent papers presented at a scientific meeting (Refs. 6 through 11), and a report by the American Medical Association (AMA) (Ref. 12). FDA believes the data presented herein support the need for a performance standard to address the risks to health associated with the device. FDA notes that the National Institutes of Health is sponsoring a consensus conference on apnea and home monitoring in September 1986. The objectives of the conference are to determine the facts and recommendations that pertain to infant and neonatal breathing problems and their management insofar as experts in the field and the contributing public can determine. Although FDA will consider any recommendations made by the Panel members as a result of the conference the proceedings of the conference do not bear directly on this action.

The Anesthesiology and Respiratory Therapy Devices Panel, the General and Plastic Surgery Devices Panel, and the General Hospital and Personal Use Devices Panel (then the Anesthesiology Device Classification Panel, the General and Plastic Surgery Classification Panel, and the General Hospital and Personal Use Devices Classification Panel, respectively), FDA advisory committees, recommended that the breathing frequency monitor including the neonatal apnea monitor be classified into class II (see the **Federal Register** of August 24, 1979 and November 2, 1979; 44 FR 49856; 63340). The Panels made their recommendations because the Panel members believed that the device needs accurately and reliably to detect and to alert users to changes in a patient's breathing frequency. The Panels believed that general controls would not provide sufficient control over these characteristics, that a standard would provide reasonable assurance of the safety and effectiveness of the device, and that there is sufficient information to establish a standard to provide such assurance.

The Anesthesiology and Respiratory Therapy Devices Panel identified the following risks to health presented by the breathing frequency monitor: (a) Undetected abnormal respiratory conditions: failure of the device or alarm may cause abnormal conditions to go undiscovered and result in serious patient injury or death; and (b) Inappropriate therapy: the patient may receive incorrect therapy if the device does not monitor the patient's breathing frequency accurately and reliably. The General and Plastic Surgery Devices Panel did not offer reasons for its recommendation that the device be classified in class II.

The General Hospital and Personal Use Devices Panel identified the following risks to health presented by the neonatal ventilatory effort monitor (apnea detector) previously classified in § 880.2440: (a) Infant death: Poor device design, construction, or device malfunction may lead to the failure of the device to detect an abnormal pause in ventilatory efforts (apnea), which could result in infant death; (b) Electrical shock: Improper device design and construction or device malfunction could result in an electrical shock; and (c) Inappropriate therapy: Inappropriate therapy may result if the device is not accurate in determining the breathing rate.

FDA contracted with the Emergency Care Research Institute (ECRI) to study and report on the risks and hazards associated with infant apnea monitors (Ref. 3). In its problem definition study completed in 1978, ECRI concluded generally that several risks and hazards are associated with the devices and that the associated risks and hazards can be controlled by one or more standards.

The risks and hazards listed in the ECRI report are: Failure to alarm for apnea (false-negative); alarm when infant is breathing normally (false-positive); electrode malfunctions; other sensor malfunctions; connector-interchange incompatibility; inappropriate audible alarm level; silencing of audible alarm and failure to reset; excessive alarm delay; inadequate alarm delay; ratemeter inaccuracy; excessively long sampling time on ratemeter; failure of ratemeter to alarm at low or high limits; electromagnetic interference; environmental vibration induced artifact; poor construction techniques, such as sensitivity control knob slippage and incorrect setting leading to detection of spurious signals that are interpreted as breathing (artifact); poor workmanship that is manifest as electrical hazards (microshock, macroshock, and burns); and bacterial contamination.

DEN is an FDA system for reporting and tracking malfunctions in medical devices. The system is voluntary, which limits the reliability of the data. FDA assumes that: (1) Not all device malfunctions are reported; (2) a listing of reported kinds of malfunctions probably does not include all of the kinds of malfunctions that occur; and (3) the frequency of reported kinds of malfunctions does not provide quantitative information and should be regarded only qualitatively.

Specific reported malfunctions of the neonatal apnea monitor in the DEN system to September 11, 1985, are: (1) Erratic operation of the device due to various causes including failure to alarm and false alarms (17 reports); (2) misuse of monitor and incomprehensible terminology in labeling (3 reports); (3) complaints respecting power cords, including poor insulation, mislabeling, or weak construction (3 reports); (4) electromagnetic interference (2 reports); (5) complaints of refusal to provide repair service for nonfunctioning units (2 reports); and (6) electrical shorts inside device (1 report).

In the **Federal Register** of September 14, 1984 (49 FR 36348), FDA issued Part 803 effective December 13, 1984, that requires manufacturers and importers of medical devices, including diagnostic devices, to report to FDA whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed devices (1) may have caused or contributed to a death or serious injury or (2) has malfunctioned and that the device or any other device marketed by the manufacturer or importer would be likely to cause or contribute to a death or serious injury if the malfunction were to recur. Fifty-one such reports regarding apnea monitor products have been submitted to the agency under Part 803 as of July 16, 1985. Most reports list a failure to alarm for apnea or bradycardia, loose leads, or a fluctuating or low-volume audible alarm. These reports currently are being investigated by FDA and will be considered in the proceeding to establish a performance standard for the neonatal apnea monitor to the extent that they may bear on the provisions of any such standard.

FDA has received reports of one death and two electrical burns sustained when unsupervised children have plugged the connector pins of the sensor electrode lead from an impedance apnea monitor system into either AC power cords or a wall outlet. Because of these incidents, a warning alert has been sent to the medical and manufacturing community.

Several authors at the 1984 annual conference of the Alliance for Engineering in Medicine and Biology presented papers concerning monitoring for apnea (Refs. 6 through 11). In general, the papers presented at the conference affirm that hazards that the

1978 ECRI study identified still are presented by the device.

On October 17, 1983, AMA issued a diagnostic and therapeutic technology assessment regarding apnea monitoring for newborns at risk of sudden infant death syndrome (Ref. 12). The assessment establishes AMA's position regarding the neonatal apnea monitor. It states: "Of the monitors currently available only those that record both cardiac and respiratory activity should be used: either one may be helpful by itself but the combined monitoring of heart and respiratory rates is preferred. The principal difficulty with the monitoring systems presently available in their susceptibility to false alarms and the possible strain that such a monitoring system in the home may place upon a family. Physicians with experience in the use of home monitors have stated that parents are usually quite cooperative and gain reassurance from the presence of the monitor. In fact, it is quite possible that reassurance of the parent is the greatest benefit to be derived from monitoring these infants, because there is as yet scant proof that identification of apneic spells and stimulation of the infant will, in fact, allow interdiction of the sudden infant death syndrome (SIDS). Furthermore, the ideal monitor that recognizes apnea or bradycardia readily and without artifact has yet to be developed."

Invitation for Offers To Submit Existing Standards

In accordance with section 514(c)(1)(A) of the act and § 861.20(c), FDA invites any interested person, including any Federal agency, to submit by April 28, 1986, an existing standard as a proposed performance standard for the neonatal apnea monitor. Alternatively, any such person may submit pertinent portions of an existing standard, including completed portions of any standard that is under development.

FDA has not been able to identify any voluntary standard that is applicable specifically to either the breathing frequency monitor or the neonatal apnea monitor.

There are voluntary standards, some of which are in final form, that are relevant only in part to a performance standard for the neonatal apnea monitor. These include standards for electrical safety. No one of these standards by itself will provide reasonable assurance of the safety and effectiveness of the neonatal apnea monitor, but these standards contain many concepts that should be considered in the development of a performance standard under section 514 of the act for the device (Refs. 4 and 5).

Section 861.24 sets forth the conditions under which FDA may accept an existing standard or a standard under development as a proposed performance standard. Accordingly, FDA advises that any such submission is to include the following:

1. A description of the procedures used to develop the standard and a list of persons and organizations that participated in, or in the event the standard is under development, that such information is available or are participating in its development, to the extent that reasonably obtainable;

2. An identification of the specific portions of the existing standard, or standard under development, that the person submitting the standard believes are appropriate for adoption as, or inclusion in, the proposed standard; and

3. A summary of the test data and other information, including rationales, necessary to support each specific portion of the standard identified by the person submitting the standard. More detailed information may be requested concerning certain portions of the standard if FDA determines that the summary is inadequate.

In accordance with section 514(d)(2) of the act, if an existing standard or one that is under development is submitted to FDA in response to this notice and FDA does not accept the standard, the agency will publish a notice of that fact together with the reasons therefor. In accordance with § 861.24(b), if an existing standard or one that is under development is submitted to FDA in response to this notice and FDA accepts the standard, or accepts the standard with modification, as a proposed standard, the agency will publish a notice of that fact. FDA advises that in the latter event, it may publish the notice as a notice of proposed rulemaking to establish a performance standard under section 514(g) of the act and § 861.20(e)(1). FDA expects to make such determination and publish the notice of its decision within 180 days after the close of the comment period on this notice.

Invitation for Offers To Develop Proposed Standards

In accordance with section 514(c)(1)(B) of the act and §§ 861.20(c) and 861.22, FDA invites any interested person, including any Federal agency, to offer by April 28, 1986 to develop a performance standard for the neonatal apnea monitor, as described in this notice, to control the risks associated with the device.

Section 514(c)(3) of the act sets out certain criteria applicable to any offerors. Section 514(e)(3) of the act provides that if an offer is accepted, FDA may, upon application which may be made before the acceptance of the offer, agree to contribute to the offeror's cost in developing a proposed standard if FDA determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution. Therefore, in accordance with section 514 (c)(3) and (e) of the act and § 861.26, FDA advises that any offer to develop a proposed performance standard is to include:

1. Information on the offeror's expertise and experience that qualifies the offeror to develop the standard.

2. Sufficient information on the offeror's financial stability to establish its capability to conduct adequate standards development either with or without contribution by FDA to the offeror's costs. Any request for contribution by FDA to the offeror's cost of developing the standard shall include:

(i) A list of the items of expense for which contribution is sought and the amount requested for each item;

(ii) A justification of each item of expense, including an explanation of how the contribution is likely to ensure development of a more satisfactory standard;

(iii) A statement that the offeror will employ an adequate accounting system (one in accordance with generally accepted accounting principles) to record the costs and expenditures allocable to development of the standard; and

(iv) A statement requesting an advance payment of funds, if necessary to enable the offeror to meet operating expenses during the development period.

3. Information relating to any potential conflicts of interest on the part of the offeror, its directors or officers, or any employees or consultants who may participate in the development of the standard, including any financial interest in the particular device or in the device industry generally, current industrial or commercial affiliates of the offeror, current sources of financial support for research, and all business entities in which the offeror has a financial interest that may be relevant to the offeror's qualifications to develop a standard for the particular device.

4. Information regarding the offeror's compliance with Federal, State, and local environmental regulations.

5. A detailed description of the procedures the offeror intends to utilize in developing the standard.

6. A description of how the offeror intends to provide interested persons adequate and reasonable notice of their right and opportunity to participate in the development of the standard.

7. A description of the method whereby interested persons who respond to the notice may participate, either in person or through correspondence, in the development of the standard.

8. A statement describing the facilities or equipment the offeror intended to utilize in developing the standard, and how the offeror intends to gain access to them.

9. An estimate of the time required to develop the standard, including a detailed schedule for each phase of the procedure.

10. A description of the method the offeror intends to use or has used to acquire test data or other information needed to support the standard.

11. A description of the method the offeror intends to use to maintain records of the development of the standard and other relevant matters and to make such records available for disclosure during development, and a schedule for meeting the periodic reporting requirements of § 861.30(b).

FDA advises that under section 514(c)(3) of the act and § 861.26(b), information included in an offer to develop a proposed standard is to be made available to the public only if the offer is accepted (except for information exempt from disclosure under 21 CFR 20.61), or if disclosure is required under 21 CFR Part 20.

Time Period To Develop a Standard

FDA estimates the time period to develop a proposed standard and rationale for the neonatal apnea monitor will be 2 years. This time span will enable the collection of existing information to consider in the development of the standard and will permit public comment on the drafts of the standard. The time period may be extended by the Commissioner for good cause shown.

Acceptance by FDA

As required by section 514(e)(1) of the act and § 861.28(a), in determining whether to accept an offer to develop a performance standard, FDA will evaluate the qualifications of the offeror on the basis of the offeror's expertise, experience, financial stability, and potential conflicts of interest. In choosing among competing offerors, the offeror without any financial interest in the particular device for which a proposed standard is sought or in the device industry generally will be preferred, all other things being equal. More than one offer, however, may be accepted.

As required by section 514(e)(2) of the act and § 861.28(c), FDA will publish in the **Federal Register** the name and address of each person whose offer to develop a standard is accepted and a summary of the terms of the accepted offer, including a statement of the extent to which FDA will contribute, if at all, to the cost of developing the proposed standard. As required by section 514(e)(5) of the act and § 861.28(d), if FDA does not accept an offer, the agency will publish in the **Federal Register** a notice of that fact and the reasons for its decision.

Future Actions

Following expiration of the 60-day time period provided by this notice for interested persons to submit an existing standard or to offer to develop a proposed standard, FDA will:

1. Authorize a Federal agency to develop a proposed performance standard if FDA determines that a performance standard can be developed by a Federal agency, based on the personnel, expertise, and resources of the agency; or

2. Accept an existing standard as a proposed performance standard or as a basis upon which a proposed performance standard may be developed provided FDA determines that such standard based upon scientific data and information and has been subjected to adequate scientific consideration. An existing standard may be one that is submitted in response to the invitation for standards or it may be a standard that has been issued or adopted (or is being developed) by any Federal agency or any other qualified entity; or

3. Accept one or more offers to develop a proposed standard; or

4. Proceed to develop a proposed standard; or

5. Take other appropriate action to facilitate development of a performance standard for the device.

The agency has determined under 21 CFR 25.24(e)(3) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In any notice of proposed rulemaking that includes a proposed performance standard for the neonatal apnea monitor, FDA will announce its initial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Until the provisions of any proposed standard are known, FDA cannot determine the economic consequences of the promulgation of such standard.

References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Mendenhall, R.S., and M.R. Newman, "Comparative Analysis of Five Non-Invasive Neonatal Respiration Sensors," Proc. AAMI 20th Annual Meeting, May 1985, p. 61.

2. Mendenhall, R.S., "Comparative Analysis of Five Non-Invasive Neonatal Respiration Sensors," Thesis, January 17, 1985, Department of Biomedical Engineering, Case Western Reserve University, Cleveland, OH.

3. Dyro, J.E., "An Investigation to Determine the Risks and Hazards Associated with Apnea Monitors," Emergency Care Research Institute, Final Report ECRI 410–276, July 1978.

4. "Safe Current Limits (SCL–12/73)," Association for the Advancement of Medical Instrumentation, 1901 North Fort Meyer Dr., Arlington, VA.

5. "Medical Electrical Equipment. Part 1: General Requirements (IEC 601–1–(1977))," American National Standards Institute, 1430 Broadway, New York, NY.

6. Osman, F.S., "General Precautions to Minimize Hazards of Apnea Monitors," Proc. 37th ACEMB, September 1984, p. 33.

7. Dyro, J.E., "The Hazards and Risks of Apnea Monitoring," Proc. 37th ACEMB, September 1984, p. 34.

8. David, Y., "Apnea Monitoring in Non-Hospital Environment," Proc. 37th ACEMB, September 1984, p. 35.

9. Laxminarayan, S., "A Critical Overview of Digital Computer Based Apnea Monitors," Proc. 37th ACEMB, September 1984, p. 37.

10. McIntyre, C.H., "A Comparison of Apnea Monitors Used in the Home," Proc. 37th ACEMB, September 1984, p. 38.

11. Smith, J.M., "Infant Apnea Monitoring: A Clinical Engineering Perspective," Proc. 37th ACEMB, September 1984, p. 39.

12. American Medical Association, "Apnea Monitoring for Newborns at Risk of Sudden Infant Death Syndrome (Reference Paper)," October 17, 1983.

Interested persons may, on or before April 28, 1986, submit to the Dockets

Management Branch (address above) an existing standard or an offer to develop a standard for the neonatal apnea detector. Two copies of any standards or offers are to be submitted. Submissions are to be identified with the docket number found in brackets in the heading of this document. Received submissions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 3, 1986.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-4082 Filed 2-25-86; 8:45 am]

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federal register

Wednesday
February 26, 1986

Part V

Department of Education

Auxiliary Activities; Innovative Programs for Severely Handicapped Children

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Auxiliary Activities; Innovative Programs for Severely Handicapped Children

AGENCY: Department of Education.

ACTION: Notice of final annual funding priorities.

SUMMARY: The Secretary announces annual funding priorities for the Auxiliary Activities—Innovative Programs for Severely Handicapped Children program. To ensure wide and effective use of program funds, the Secretary announces seven priorities to direct funds to the areas of greatest need for fiscal year 1986. A separate competition is established for each priority.

EFFECTIVE DATE: These final annual funding priorities will take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of these final annual priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: R. Paul Thompson, Special Needs Section, Special Education Programs, Department of Education, 330 C Street SW., (Switzer Building, Room 3511—M/S 2313), Washington, DC 20202. Telephone: (202) 732-1177.

SUPPLEMENTARY INFORMATION: The Auxiliary Activities program, authorized by section 624 of the Education of the Handicapped Act, supports research, development or demonstration, training, and dissemination activities which meet the unique educational needs of handicapped children and youth, and are consistent with the purposes of Part C of the Act [20 U.S.C. 1424]. In accordance with this authority, the Secretary intends to fund projects under the following priorities for fiscal year 1986. These priorities identify target areas for project efforts within the scope of model projects and practices. They address the needs of deaf-blind and severely handicapped children which have been identified by professionals, paraprofessionals, and parents as being those most critical at this time. Projects will be funded for up to 36 months, except where otherwise indicated, subject to annual review of progress, the availability of Federal funds, and other factors [see 34 CFR 75.251-75.253].

Summary of Comments and Responses

A notice of proposed annual funding priorities was published in the Federal Register on October 9, 1985 (50 FR 41318). The public was given thirty days in which to comment. One comment was received in response to the notice of proposed annual funding priorities. The comment and the Department's response are summarized below:

Comment. One commenter expressed concern that Priority No. 6, "Education of Severely Handicapped (Including Deaf-Blind) Children and Youth in the Least Restrictive Environment," could have a negative impact on the extent to which children with special needs have a continuum of specialized services available to them. Concern was also expressed that placement decisions of educational services be based upon the appropriateness of the program for the individual child.

Response. No change has been made. The priority on "Education of Severely Handicapped (Including Deaf-Blind) Children and Youth in the Least Restrictive Environment," was included in the fiscal year 1985 competitions. Applications were submitted and awarded that presented a wide spectrum of approaches in varied settings for meeting the educational needs of severely handicapped and deaf-blind children. It is the intent of this priority to increase the availability of placement options in the least restrictive and least segregated environments. In the past, less restrictive options have often not been widely available.

The Education of the Handicapped Act requires that each placement decision be made based upon the appropriateness of the placement for the individual child and in accordance with the least restrictive environment requirements of section 612(5) of the Act. Increasing the range of placement options enhances the ability of grantees to make placements based upon the individual needs of the handicapped child.

Other Changes

Some additional technical and clarifying changes have been made in the priorities, but no substantive revision is intended. A technical change has been made to Priority Six to make clear that all projects funded under this priority must meet at least some needs of deaf-blind children in order to be eligible to be funded. Because these projects are funded with appropriations form the deaf-blind program, projects can only be funded if they are capable of meeting the needs of deaf-blind children.

Priorities

(1) *Non-directed Demonstration Projects for Severely (Other than Deaf-Blind) Handicapped Children and Youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs including vocational needs of severely handicapped (other than deaf-blind) children and youth. The content of the demonstration projects is limited only by the overall mission of the program—to demonstrate innovative and effective approaches to the education of severely handicapped children. Applicants proposing to conduct the projects must fully describe and justify the selection of the focus and particular approach to be demonstrated. Approximately $750,000 is expected to be available for issuing seven awards under this competition.

(2) *Supported Employment for Deaf-Blind Youth.* This priority supports projects which design, implement, and disseminate information about innovative practices in the job placement, job site training and follow-up of deaf-blind youth. The practices must extend beyond, expand upon, complement, or supplement existing successful practices. These projects are to focus on on-the-job skills and adaptations, employee-employer relations, job acquisition, retention skills, and, where appropriate, supplemental support for the employment of deaf-blind youth on a long term basis. These projects may also include feasible applications of techniques still in the development stage in research and other experimental programs. These projects are to provide services for severely handicapped deaf-blind youth who typically have not been eligible for vocational rehabilitation services.

The following provisions, which distinguish these projects from traditional vocational education programming for deaf-blind youth, must be incorporated into these projects: (1) Paid employment in regular job settings such as assisted competitive employment, mobile work crews, and work stations in industry; (2) opportunities for integration of these deaf-blind youth with nonhandicapped coworkers in their job setting and with relevant others in typical living environments external to the job; (3) ongoing financial and social services support for these deaf-blind youth throughout the course of the project; and (4) a plan cooperatively developed with

related State and local agencies for the continuation of such services for an appropriate period of time following termination of the project. The overall objective of these projects should be to provide an employment focus directed toward the achievement by these deaf-blind youth of the same goals (security, mobility, quality of life, and appropriate income level) sought for nonhandicapped workers. Approximately $1,000,000 is expected to be available for issuing up to eight awards under this competition.

(3) *Nondirected Demonstration Projects for Deaf-Blind Children and Youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs of deaf-blind children and youth. The content of these projects is limited only by the overall mission of the program—to demonstrate innovative and effective approaches to the education of deaf-blind children and youth in the least restrictive environment. Applicants proposing to conduct a project must describe and justify the selection of the focus and particular approach to be demonstrated. Approximately $1,963,000 is expected to be available for issuing 18 awards under this competition.

(4) *State-wide Systems Change.* This priority supports projects which design, implement, evaluate, and disseminate information about a model for the State-wide delivery of comprehensive special education and related services to severely handicapped children and youth (including deaf-blind children and youth), ages birth through 21, within a particular State. Such a design must utilize and enhance existing service delivery systems for these children. Particular attention should be placed on ensuring that deaf-blind children are properly integrated into these systems since services to this group are often provided through a combination of regional, Federal, State and local service providers. Federal programs with which the projects should be coordinated include Early Childhood State Plan projects (34 CFR 309.50–309.53), Services for Deaf-Blind Children programs (34 CFR Part 307), and vocational education. Each project must develop a system which will: (1) Develop a comprehensive description of services for severely handicapped children within a State; (2) complete an extensive analysis of the current service delivery system; (3) design an improved comprehensive State-wide model for the delivery of educational services to maximize the potential of severely handicapped children and youth; (4) implement the model of State-wide services on a pilot basis under systematic and carefully documented conditions; (5) design and implement an evaluation plan for each of the project components; (6) disseminate information about the model's findings and recommendations; (7) establish and utilize an advisory committee; and (8) maintain a performance measurement system to monitor all project activities. In the past few years, contracts and cooperative agreements have been awarded to establish similar State-wide service delivery systems. States receiving those contracts or cooperative agreements are not eligible to compete under this priority.

Projects under this priority will be funded through cooperative agreements with the Secretary. Approximately $815,000 is expected to be available for issuing seven cooperative agreements under this competition.

(5) *Transition Skills Development for Severely Handicapped (Including Deaf-Blind) Youth.* This priority supports projects which design, implement, and disseminate information about innovative practices which facilitate the transition of a small number of severely handicapped (which may include deaf-blind) youth from education to employment and other service options, in preparation for their integration into regular community environments as adults. Emphasis in these projects will be placed on the development of job-related skills, peer interactions, orientation and mobility, personal grooming, independent living skills and the development of a positive self-concept. Projects must include specific activities directed toward development of skills identified as those most needed by project participants in order to facilitate their effective transition. Each project must include procedures for initiating and maintaining on an on-going basis coordination and cooperation with State educational and rehabilitative agencies in the State where the project is located. Projects must have direct access and be providing direct service to the proposed project participants. Approximately $1,965,000 is expected to be available for issuing up to 25 awards at approximately $78,000 per year for up to three years under this competition.

(6) *Education of Severely Handicapped (Including Deaf-Blind) Children and Youth in the Least Restrictive Environment.* This priority supports projects which, on a district-wide basis (local educational agency) or cross-district basis, design, implement, and evaluate innovative approaches to meet the needs of severely handicapped (including deaf-blind) children and youth in the least restrictive and least segregated environments. Projects under this priority must:

1. Develop new models for delivery of integrated educational services, including changes in the location of instructional areas for provision of these services, for severely handicapped (including deaf-blind) children who currently are being educated in segregated environments;

2. Demonstrate through the provision of project services the clear movement of participating children and youth to and integration into less segregated environments, with the objective of facilitating the placement of these children in appropriate, regular school settings;

3. Provide inservice training of personnel, including principals, assistant principals and teaching staff, in local educational agencies which are planning to provide educational services to handicapped children of the project in the least restrictive and least segregated environments; and

4. Provide components which promote acceptance of these children and youth by administrators, teachers, parents, and other children and youth in the least restrictive and least segregated environments.

Approximately $809,000 is expected to be available for issuing up to eight awards for up to three years each under this competition.

(7) *Inservice Training—Services for Severely Handicapped (Including Deaf-Blind) Children and Youth.* This priority supports projects which utilize effective inservice training activities that focus on meeting the needs of qualified personnel to provide services to severely handicapped (including deaf-blind) children and youth. Although the projects may include training for a variety of severe handicapping conditions, they must include some training for meeting the unique needs of deaf-blind children and youth. Personnel receiving inservice training under this priority must be either: (a) Currently providing educational service to severely handicapped children and youth; or (b) formally committed to providing educational services to severely handicapped children and youth for at least a one-year period following the completion of the inservice training provided under this priority.

The inservice training provided must: (a) be appropriate for the attainment of knowledge and competencies that are necessary for the provision of quality educational services for these severely

handicapped children and youth; and (b) be based on innovative practices for the education of these children and youth in the least restrictive school and community environments. Projects could provide for release time of participants, payment for participation, options for academic credit, salary step credit, certification renewal, or updating professional skills.

Approximately $2,554,000 is expected to be available for issuing up to 16 awards at approximately $106,000 per year for up to three years under this competition.

(20 U.S.C. 1424)

(Catalog of Federal Domestic Assistance Number 84.086: Innovative Programs for Severely Handicapped Children)

Dated: February 21, 1986.

William J. Bennett,

Secretary of Education.

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